

By Mr. DAVIS of Minnesota: Paper to accompany bill for relief of Francis M. Starn and Ellen A. Mealia—to the Committee on Invalid Pensions.

By Mr. FLACK: Petition of H. T. Martyn Post, Grand Army of the Republic, Canton, N. Y., for increase of pension of veterans of civil war—to the Committee on Invalid Pensions.

By Mr. FLOYD: Paper to accompany bill for relief of John Bogenschutz (previously referred to the Committee on Pensions)—to the Committee on Invalid Pensions.

By Mr. FRENCH: Petition of Idaho Hardware and Implement Dealers' Association, against parcel post—to the Committee on the Post-Office and Post-Roads.

By Mr. FULKERSON: Paper to accompany bill for relief of George Hopkins—to the Committee on Invalid Pensions.

By Mr. FULLER: Petition of Archibald H. Grimke and 17 other citizens of Boston and vicinity, protesting against the discharge of three companies of the Twenty-fifth Infantry—to the Committee on Military Affairs.

Also, petition of the Daily Post, of Lasalle, Ill., for an amendment to the railway rate law permitting interchange of advertising for transportation—to the Committee on Interstate and Foreign Commerce.

Also, petition of I. N. R. Beatty, Morris, Ill., for the proposed deep waterway from the Lakes to the Gulf—to the Committee on Rivers and Harbors.

Also, petition of San Francisco Labor Council, against utterances of the President on the Japanese question relative to public schools of that city—to the Committee on Foreign Affairs.

By Mr. GOULDEN: Petitions of Coastwise Transportation Company and 10 others, managers, owners, and motor pilots of steam vessels in the East River; also J. W. Miller and 41 others; United States Transport Company and 10 others; F. M. Dembaugh and 10 others, and Fred B. Dalzell and 86 others, for improvement of channel between North Brothers Island and South Brothers Island—to the Committee on Rivers and Harbors.

Also, petition of D. Orentz, 1061 Morris avenue, Bronx, N. Y., speaking for hundreds of others, favoring restriction of immigration (S. 4403)—to the Committee on Immigration and Naturalization.

By Mr. GRAFF: Petition of Brotherhood of Railway Trainmen, Springfield, Ill., indorsing S. 5133, to promote safety of railway employees, and House bill 9328, to regulate restraining orders in certain cases—to the Committee on the Judiciary.

By Mr. GROSVENOR: Paper to accompany bill for relief of George W. Myers—to the Committee on Invalid Pensions.

By Mr. GUDGER: Petition of Cliffside Lodge, No. 139, favoring restriction of immigration (S. 4403)—to the Committee on Immigration and Naturalization.

Also, petition of Hackney & Moale Company, Asheville, N. C., against tariff on linotype machines—to the Committee on Ways and Means.

By Mr. HENRY of Texas: Petition of citizens of Texas, for legislation against buying of futures in agricultural products—to the Committee on Agriculture.

By Mr. HIGGINS: Petition of Norwich (Conn.) Independent League, I. O. B. A., favoring restriction of immigration (S. 4403)—to the Committee on Immigration and Naturalization.

By Mr. HILL of Connecticut: Paper to accompany bill for relief of Henry M. Prindle—to the Committee on Invalid Pensions.

By Mr. HOPKINS: Paper to accompany bill for relief of H. D. Combs (previously referred to Committee on Pensions)—to the Committee on Invalid Pensions.

By Mr. JAMES: Paper to accompany bill for relief of heirs of Josiah Parker—to the Committee on War Claims.

Also, petition of citizens of Graves, Ky., against S. 5221, regulating practice of osteopathy in the District of Columbia—to the Committee on the District of Columbia.

By Mr. JOHNSON: Paper to accompany bill for relief of William Pollard and Elizabeth Balew—to the Committee on Invalid Pensions.

By Mr. KINKAID: Paper to accompany bill for relief of Isalah Graham—to the Committee on Pensions.

By Mr. KNAPP: Paper to accompany bill for relief of Ira G. Havens—to the Committee on Invalid Pensions.

By Mr. LINDSAY: Petition of A. Parlett Lloyd, submitting a paper relative to Senate bill 976, passed January 11, 1907, relative to law governing obtaining of pensions, legal assistance, etc.—to the Committee on Invalid Pensions.

By Mr. NEEDHAM: Petition of San Louis Obispo Chamber of Commerce, for selection of the Henry ranch, California, for military reservation to be established on the Pacific coast—to the Committee on Military Affairs.

By Mr. NORRIS: Petition of National Business League, for the conservation of public domain—to the Committee on the Public Lands.

By Mr. PATTERSON of South Carolina: Paper to accompany bill for relief of estate of Stephen A. Kittles—to the Committee on War Claims.

Also, paper to accompany bill for relief of Rebecca Blackwell—to the Committee on Pensions.

By Mr. REYNOLDS: Paper to accompany bill for relief of J. B. Stalb and John Flugle—to the Committee on Invalid Pensions.

Also, paper to accompany bill for relief of Alexander Johnson, Jacob R. Miller, David R. Donnelly, Thomas R. Empfield, Andrew J. Foor, William S. Suter, Alphonsus J. Bingham, Adam Leonard, and William H. Tracy—to the Committee on Invalid Pensions.

By Mr. RHODES: Paper to accompany bill for relief of David H. Gregg (previously referred to the Committee on Pensions)—to the Committee on Invalid Pensions.

By Mr. SPERRY: Paper to accompany bill for relief of Robert K. Brown and Andrew C. Swenson—to the Committee on Invalid Pensions.

By Mr. STANLEY: Paper to accompany bill for relief of Absalom R. Shacklett—to the Committee on Invalid Pensions.

By Mr. WACHTER: Petition of Brotherhood of St. Paul of the First Methodist Church, for investigation of affairs in Kongo Free State—to the Committee on Foreign Affairs.

By Mr. WILLIAMS: Petition of the Vicksburg Herald, and the American, Vicksburg, Miss., against tariff on linotype machines—to the Committee on Ways and Means.

SENATE.

FRIDAY, January 18, 1907.

Prayer by the Chaplain, Rev. EDWARD E. HALE.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. LODGE, and by unanimous consent, the further reading was dispensed with.

The VICE-PRESIDENT. The Journal stands approved.

PROPOSED ADJOURNMENT TO MONDAY.

Mr. LODGE. I move that when the Senate adjourns to-day it adjourn to meet on Monday next.

Mr. BURROWS. Mr. President, I am exceedingly anxious to proceed with the consideration of the resolution in relation to the right of the senior Senator from Utah [Mr. SMOOT] to a seat in the Senate, and I am advised that the junior Senator from Utah [Mr. SUTHERLAND] desires to address the Senate to-day on that question, and if he can not get the opportunity to do so to-day I am sure he will be glad to address the Senate tomorrow. He is not in the Chamber at this time, and if the Senator from Massachusetts will withhold his motion I shall be obliged to him.

Mr. LODGE. I will withhold the motion, but I will state that I spoke to the Senator from Utah, and I understood he did not desire to go on with his remarks on Saturday.

Mr. BURROWS. I should like an opportunity to confer with him.

Mr. LODGE. Very well. I will withdraw the motion for the present.

The VICE-PRESIDENT. The motion is withdrawn.

SAC AND FOX INDIAN LANDS.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Interior, transmitting a letter from the Commissioner of Indian Affairs in relation to the purchase of additional land for the use of the Sac and Fox Indians of the Mississippi in Iowa; which, with the accompanying papers and map, was referred to the Committee on Indian Affairs, and ordered to be printed.

FINDINGS BY THE COURT OF CLAIMS.

The VICE-PRESIDENT laid before the Senate communications from the assistant clerk of the Court of Claims, transmitting certified copies of the findings of fact filed by the court in the following causes:

In the cause of Georgia E. Morrison, administratrix of George Smith, deceased, *v. The United States*;

In the cause of the Trustees of Winyah Lodge, No. 40, Ancient Free and Accepted Masons, of Georgetown, S. C., *v. The United States*;

In the cause of Thomas Mason *v. The United States*;

In the cause of the Vestry of the Lambs Creek Protestant Episcopal Church, of King George County, Va., *v. The United States*; and

In the cause of Rosa M. Wyatt *v. The United States*.

The foregoing findings were, with the accompanying papers, referred to the Committee on Claims, and ordered to be printed.

SUNDAY OPENING OF POST-OFFICES.

The VICE-PRESIDENT laid before the Senate a communication from the Postmaster-General, transmitting, in response to a resolution of the 9th instant, certain information relative to the authority requiring post-offices to be kept open on Sunday, together with the regulations of Sunday opening, the amount of business transacted, etc.; which was referred to the Committee on Post-Offices and Post-Roads, and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had agreed to the amendments of the Senate to the following bills:

H. R. 3357. An act granting an honorable discharge to James B. Mulford; and

H. R. 8631. An act for the relief of James M. Darling.

The message also announced that the House insists upon its amendment to the bill (S. 5041) granting an increase of pension to George A. Tucker, disagreed to by the Senate, agrees to the conference asked for by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. LOUDENSLAGER, Mr. DRAPER, and Mr. RICHARDSON of Alabama managers at the conference on the part of the House.

The message further announced that the House insists upon its amendment to the bill (S. 6833) granting an increase of pension to Bettie May Vose, disagreed to by the Senate, agrees to the conference asked for by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. LOUDENSLAGER, Mr. DRAPER, and Mr. RICHARDSON of Alabama managers at the conference on the part of the House.

The message also announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

H. R. 21197. An act to amend an act entitled "An act to amend the statutes in relation to immediate transportation of dutiable goods, and for other purposes," approved June 10, 1880, by extending the provisions of the first section thereof to the port of Brunswick, Ga.;

H. R. 24109. An act to authorize the Norfolk and Western Railway Company to construct sundry bridges across the Tug Fork of the Big Sandy River; and

H. R. 24478. An act for the relief of citizens of the island of Jamaica.

The message further announced that the House had agreed to the concurrent resolution of the Senate providing for the printing of 3,000 copies of the testimony taken in the investigation pursuant to Senate resolution of June 25, 1906, directing the Interstate Commerce Commission to make a thorough investigation of the elevator and grain buying and forwarding business of the country.

The message also announced that the House had agreed to the amendment of the Senate numbered 222, to the bill (H. R. 21574) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1908, and for other purposes, with an amendment, in which it requested the concurrence of the Senate; disagrees to the residue of the amendments of the bill; asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. BINGHAM, Mr. LITTAUER, and Mr. LIVINGSTON managers at the conference on the part of the House.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills and joint resolution; and they were thereupon signed by the Vice-President:

S. 6578. An act to amend an act entitled "An act to provide for the appointment of a sealer and assistant sealer of weights and measures in the District of Columbia, and for other purposes," approved March 2, 1895, and to amend an act amendatory thereof approved June 20, 1906;

H. R. 522. An act granting an increase of pension to Frederick Roschdiantzky;

H. R. 562. An act granting an increase of pension to John F. Mohn;

H. R. 600. An act granting an increase of pension to Oliver N. McCain;

H. R. 747. An act granting an increase of pension to Robert Smith;

H. R. 1026. An act granting an increase of pension to Thomas M. Wilcox;

H. R. 1060. An act granting an increase of pension to Margaret E. Lounsbury;

H. R. 1067. An act granting an increase of pension to Jacob Bender;

H. R. 1068. An act granting an increase of pension to William S. Quigley;

H. R. 1169. An act granting an increase of pension to Oliver P. Pierce;

H. R. 1249. An act granting a pension to William R. Fulk;

H. R. 1372. An act granting a pension to Josephine I. Richmond;

H. R. 1500. An act granting a pension to Emily J. Sherman;

H. R. 1673. An act granting an increase of pension to Jennie E. Edson;

H. R. 1687. An act granting an increase of pension to James C. Daly;

H. R. 1706. An act granting an increase of pension to George H. Washburn;

H. R. 1709. An act granting an increase of pension to Brice P. Munns;

H. R. 1800. An act granting a pension to Eliza J. Ingle;

H. R. 1891. An act granting an increase of pension to Simeon York;

H. R. 1904. An act granting an increase of pension to Nelson R. Satterlee;

H. R. 1938. An act granting an increase of pension to Thomas B. Foutty;

H. R. 2290. An act granting an increase of pension to Peter Reedy;

H. R. 2422. An act granting an increase of pension to Earl K. Childs;

H. R. 2761. An act granting an increase of pension to Michael Mahoney;

H. R. 2822. An act granting an increase of pension to Levi Gates;

H. R. 2909. An act granting an increase of pension to Jacob T. Wise;

H. R. 3194. An act granting an increase of pension to Samuel Harvey;

H. R. 3195. An act granting an increase of pension to Milton S. Collins;

H. R. 3228. An act granting an increase of pension to Michael Doyle;

H. R. 3234. An act granting an increase of pension to Rush Deskines;

H. R. 3297. An act granting an increase of pension to Thomas Lonergan;

H. R. 3355. An act granting an increase of pension to James L. Allen;

H. R. 3357. An act granting an honorable discharge to James B. Mulford;

H. R. 3494. An act granting an increase of pension to Albert A. Talham;

H. R. 3733. An act granting an increase of pension to Simeon D. Chelf;

H. R. 4386. An act granting an increase of pension to Zelinda E. Odenbaugh;

H. R. 4648. An act granting an increase of pension to Sarah A. Dedrick;

H. R. 4656. An act granting an increase of pension to Thomas Snell;

H. R. 4663. An act granting an increase of pension to Horace B. Tanner;

H. R. 4705. An act granting a pension to Harriet E. Palmer;

H. R. 4834. An act granting an increase of pension to Silas V. White;

H. R. 6911. An act granting an increase of pension to William J. Turner;

H. R. 7476. An act granting an increase of pension to George C. Dean;

H. R. 7488. An act granting an increase of pension to Jacob L. Hatton;

H. R. 8563. An act granting an increase of pension to William H. Hays;

H. R. 8631. An act for the relief of James M. Darling;

H. R. 8789. An act granting an increase of pension to Levi Chapman;

H. R. 10364. An act granting an increase of pension to John P. Patterson;

H. R. 10531. An act granting an increase of pension to William G. Binkley;

H. R. 10751. An act granting an increase of pension to George W. Harris;

H. R. 10755. An act granting an increase of pension to Anna Flynn;

H. R. 10789. An act granting a pension to David Wilborn;

H. R. 10804. An act granting an increase of pension to John H. Worley;

H. R. 10958. An act granting an increase of pension to Levi Dodson;

H. R. 12911. An act granting an increase of pension to Ambrose S. Delaware;

H. R. 13241. An act granting an increase of pension to Francis Haner;

H. R. 13455. An act granting an increase of pension to Josiah P. Higgins;

H. R. 13675. An act to ratify and confirm the acts of the legislative assembly of the Territory of Oklahoma, passed in the year 1905, relating to an insane asylum for the Territory of Oklahoma, and providing for the establishment and maintenance of an insane asylum for the Territory of Oklahoma at Fort Supply, in Woodward County, Oklahoma Territory, and making appropriations therefor;

H. R. 13887. An act granting an increase of pension to Joseph T. Eagler;

H. R. 14298. An act granting an increase of pension to John Remick;

H. R. 14543. An act granting an increase of pension to Charles Barnell, alias Richard North;

H. R. 15004. An act granting an increase of pension to William J. McAtee;

H. R. 15471. An act granting an increase of pension to Eli Stover;

H. R. 15763. An act granting an increase of pension to Gainford N. Upton;

H. R. 16169. An act granting a pension to Neal O'Donnel Parks;

H. R. 18454. An act granting an increase of pension to Barlow Davis;

H. R. 18677. An act granting a pension to Martin Alphons Luther;

H. R. 18742. An act granting an increase of pension to Martin V. Barney;

H. R. 19035. An act granting an increase of pension to Elizabeth Moore Morgan;

H. R. 19296. An act granting an increase of pension to Assov Harelson;

H. R. 19390. An act granting an increase of pension to William R. Sears;

H. R. 19462. An act granting an increase of pension to Emily Fox;

H. R. 19482. An act granting an increase of pension to Sarah E. Cannell;

H. R. 19523. An act to authorize Thomas J. Ewing and George B. Patton, of Catlettsburg, Ky.; Otto Burger, of Cincinnati, Ohio; Herbert Haynard, of Kenova, W. Va., and Charles Miller, of Huntington, W. Va., to construct a bridge across the Tug Fork of the Big Sandy River;

H. R. 19528. An act granting an increase of pension to Elizabeth Maddox;

H. R. 19725. An act granting an increase of pension to Howard Bennett;

H. R. 19754. An act to provide for the distribution of public documents to the library of the Philippine government at Manila, P. I.;

H. R. 19970. An act granting an increase of pension to Eugene Demers;

H. R. 20069. An act for the opening of Macomb street NW., District of Columbia;

H. R. 20559. An act granting an increase of pension to John Bradley;

H. R. 20617. An act granting an increase of pension to Isaac N. S. Will;

H. R. 20623. An act granting an increase of pension to James B. O. Horbach;

H. R. 20714. An act granting an increase of pension to Robert Turley;

H. R. 20891. An act granting an increase of pension to Hugh Blair;

H. R. 20968. An act granting an increase of pension to Waitman T. Mathers;

H. R. 21578. An act granting an increase of pension to Andrew J. Gaskey;

H. R. 24478. An act for the relief of citizens of the island of Jamaica; and

S. R. 80. Joint resolution authorizing the Secretary of War to furnish two 3-inch wrought-iron muzzle-loading cannon, with their carriages, limbers, and accessories, to the State of South Dakota.

RELIEF FOR CITIZENS OF JAMAICA.

Mr. ALLISON. I ask that the bill just received from the House for relief of the citizens of Jamaica be now considered by the Senate.

The VICE-PRESIDENT. The Chair lays the bill before the Senate.

The bill (H. R. 24478) for the relief of citizens of the island of Jamaica was read the first time by its title and the second time at length, as follows:

Be it enacted, etc., That the President of the United States is authorized to use and distribute among the suffering and destitute people of the island of Jamaica such provisions, clothing, medicines, and other necessary articles belonging to the subsistence and other stores of the naval establishment as may be necessary for the purpose of succoring the people who are in peril and threatened with starvation on said island in consequence of the recent earthquake and attending conflagration.

By unanimous consent, the bill was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PETITIONS AND MEMORIALS.

Mr. CULLOM presented the petition of James L. Malley, of Illinois, and the petition of Holman G. Purinton, of Illinois, praying for the enactment of legislation for the relief of Joseph V. Cunningham and other officers of the Philippine volunteers; which were referred to the Committee on Claims.

He also presented the memorial of Felix Raymond, of Effingham, Ill., remonstrating against the enactment of legislation to amend and consolidate the acts respecting copyrights; which was referred to the Committee on Patents.

Mr. PLATT presented petitions of the Woman's Christian Temperance Unions of Lockport, Otisville, Yonkers, and Clifton Springs, and of sundry citizens of Andover, all in the State of New York, praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which were referred to the Committee on the Judiciary.

He also presented a petition of the publishers of sundry newspapers of Columbia County, N. Y., praying for the enactment of legislation granting the right to newspapers and railroads to contract for the exchange of their respective commodities; which was referred to the Committee on Interstate Commerce.

He also presented a petition of Joseph Bailey, Lodge No. 186, Brotherhood of Railroad Trainmen, of Hornell, N. Y., praying for the passage of the so-called "anti-injunction bill;" which was referred to the Committee on the Judiciary.

Mr. DEPEW presented a petition of the Woman's Christian Temperance Union of New Haven, N. Y., and a petition of the Woman's Christian Temperance Union of Schenectady, N. Y., praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which were referred to the Committee on the Judiciary.

Mr. FRYE presented a petition of sundry citizens of Saco and Biddeford, Me., praying for the passage of the so-called "Crum-packer bill," providing for a judicial review of orders excluding persons from the use of United States mail facilities; which was referred to the Committee on the Judiciary.

Mr. KNOX presented a petition of Typographical Union No. 86, American Federation of Labor, of Reading, Pa., praying that an appropriation be made for a scientific investigation into the industrial condition of women and children in the United States; which was referred to the Committee on Education and Labor.

He also presented a petition of the Board of Trade of Tarentum, Pa., praying for the enactment of legislation providing for a reclassification and increase in the salaries of postal clerks in all first and second class post-offices; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the Tribune-Press Publishing Company, of Greensburg, Pa., and a petition of the publisher of the Chronicle, of Coraopolis, Pa., praying for the enactment of legislation providing for a modification of the Interstate Commerce Commission's ruling denying newspapers the right to exchange advertising for railroad transportation; which were referred to the Committee on Interstate Commerce.

He also presented a petition of the Philadelphia Association of Union ex-Prisoners of War, of Philadelphia, Pa., and a petition of the Beaver County Association of Union ex-Prisoners of War, of Beaver Falls, Pa., praying for the enactment of legislation providing pensions to all soldiers and sailors who were confined in so-called "Confederate prisons;" which were referred to the Committee on Pensions.

He also presented petitions of I. H. O'Harra, of Philadelphia; of Robert F. Gordon, of Philadelphia, in the State of Pennsylvania, and of the Foreign Missions Boards of the United States and the Dominion of Canada, praying for an investigation into the existing conditions in the Kongo Free State; which were referred to the Committee on Foreign Relations.

He also presented a petition of the general assembly of the Presbyterian Church of Pittsburg, Pa., praying for the enactment of legislation to regulate the interstate transportation of

intoxicating liquors; which was referred to the Committee on the Judiciary.

Mr. LONG. I present a memorial of the Eastern Cherokee Indians, relative to their claim against the United States under what is known as the "Slade and Bender accounting and settlement." I move that the memorial and accompanying papers be printed as a document and referred to the Committee on Indian Affairs.

The motion was agreed to.

Mr. NIXON presented a petition of the Board of Trade of Tonopah, Nev., praying for the enactment of legislation providing for the reclassification and increase of salaries of postal clerks in all first and second class post-offices; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. PERKINS presented a petition of the Chamber of Commerce of San Luis, Cal., praying for the enactment of legislation providing for the selection of the so-called "Henry ranch," in Obispo County, in that State, as a brigade post and maneuvering ground; which was referred to the Committee on Military Affairs.

He also presented memorials of sundry citizens of San Diego, Mountain View, Los Angeles, and Glendale, all in the State of California, remonstrating against the enactment of legislation requiring certain places of business in the District of Columbia to be closed on Sunday; which were referred to the Committee on the District of Columbia.

Mr. BLACKBURN presented a paper to accompany the bill (S. 5313) for the relief of A. Portwood; which was referred to the Committee on Claims.

He also presented a paper to accompany the bill (S. 5314) for the relief of Van Foreman; which was referred to the Committee on Claims.

He also presented a paper to accompany the bill (S. 5315) for the relief of J. W. Allen, administrator de bonis mon of B. N. C. Allen, deceased; which was referred to the Committee on Claims.

Mr. HEMENWAY presented a petition of the Central Labor Union of Lafayette, Ind., praying that an appropriation be made for a scientific investigation into the industrial conditions of women and children in the United States; which was referred to the Committee on Education and Labor.

He also presented a petition of the Central Labor Union of Lafayette, Ind., praying for the enactment of legislation to extend the provisions of the Chinese-exclusion law so as to include Japanese and Koreans; which was referred to the Committee on Immigration.

He also presented a petition of the Mary F. Thomas Woman's Christian Temperance Union, of Richmond, Ind., praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which was referred to the Committee on the Judiciary.

Mr. TELLER presented a paper to accompany an amendment submitted by himself on the 16th instant, proposing to appropriate \$600,000 for the balance and final payment due the loyal Creek Indians on the award made February 16, 1903, etc., intended to be proposed to the Indian appropriation bill; which was referred to the Committee on Indian Affairs.

REPORTS OF COMMITTEES.

Mr. SCOTT, from the Committee on Public Buildings and Grounds, to whom was referred the bill (H. R. 24047) to authorize Chapter No. 376 of the Daughters of the American Revolution to erect a fountain on the property of the United States at Paducah, Ky., asked to be discharged from its further consideration, and that it be referred to the Committee on the Library; which was agreed to.

Mr. FRYE, from the Committee on Commerce, to whom was referred the bill (H. R. 23219) to authorize Majestic Collieries Company, of Eckman, W. Va., to construct a bridge across Tug Fork of Big Sandy River about 2½ miles west of Devon, W. Va., a station on the Norfolk and Western Railway, reported it without amendment.

Mr. BURKETT, from the Committee on the District of Columbia, to whom was referred the bill (S. 5610) relative to the conveyance of certain land in the District of Columbia, submitted an adverse report thereon; which was agreed to, and the bill was postponed indefinitely.

He also, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 5063) granting an increase of pension to William G. Miller;

A bill (H. R. 5172) granting an increase of pension to Milton Stratton;

A bill (H. R. 5200) granting an increase of pension to John F. McBride;

A bill (H. R. 5209) granting an increase of pension to Edward R. Dunbar;

A bill (H. R. 5648) granting an increase of pension to William Hand;

A bill (H. R. 5803) granting an increase of pension to Edwin L. Roberts;

A bill (H. R. 6145) granting an increase of pension to Paris J. Latham;

A bill (H. R. 6189) granting an increase of pension to Arthur Tibbitts;

A bill (H. R. 6705) granting an increase of pension to William H. Zachery;

A bill (H. R. 7211) granting a pension to James C. South-erland;

A bill (H. R. 6920) granting an increase of pension to Simon Millison;

A bill (H. R. 7247) granting an increase of pension to Lorenzo Sink;

A bill (H. R. 8915) granting an increase of pension to Susan Woolley;

A bill (H. R. 7411) granting an increase of pension to Tobias Fisher;

A bill (H. R. 7417) granting an increase of pension to Gibson Helms;

A bill (H. R. 7544) granting an increase of pension to Gustavus F. E. Raschig;

A bill (H. R. 7834) granting an increase of pension to Joseph Amos;

A bill (H. R. 8136) granting an increase of pension to Joseph A. Scroggs;

A bill (H. R. 8159) granting an increase of pension to Charles Leathers;

A bill (H. R. 8312) granting an increase of pension to Abram Sours;

A bill (H. R. 8335) granting an increase of pension to John T. Harvey;

A bill (H. R. 8338) granting an increase of pension to Isaac S. Doan;

A bill (H. R. 8373) granting an increase of pension to Patrick Weir;

A bill (H. R. 8668) granting an increase of pension to Stephen H. Rogers;

A bill (H. R. 8683) granting an increase of pension to William D. Voris; and

A bill (H. R. 8732) granting a pension to Ellen S. Gifford.

Mr. TALIAFERRO, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 11564) granting an increase of pension to James Morrow;

A bill (H. R. 11636) granting an increase of pension to Lawrence Hagan;

A bill (H. R. 11701) granting an increase of pension to Marvin Waldorff;

A bill (H. R. 12106) granting an increase of pension to George W. Reagan;

A bill (H. R. 12152) granting an increase of pension to Leonidas E. Mills;

A bill (H. R. 12370) granting an increase of pension to Mary E. Randolph;

A bill (H. R. 12554) granting an increase of pension to William Larraby;

A bill (H. R. 12557) granting an increase of pension to John C. Berry;

A bill (H. R. 12574) granting an increase of pension to Jacob R. Burkhardt;

A bill (H. R. 12676) granting an increase of pension to Francis M. Morrison;

A bill (H. R. 13053) granting an increase of pension to Eli Bunting;

A bill (H. R. 13054) granting an increase of pension to James M. Brown;

A bill (H. R. 13813) granting an increase of pension to Samuel Brown;

A bill (H. R. 13815) granting an increase of pension to Christian M. Good;

A bill (H. R. 14238) granting an increase of pension to William H. Van Tassell;

A bill (H. R. 14263) granting a pension to Fidelia Sellers;

A bill (H. R. 14673) granting an increase of pension to David H. Semans; and

A bill (H. R. 7912) granting an increase of pension to James M. Lawder.

Mr. PETTUS, from the Joint Select Committee on Disposition

of Useless Papers in the Executive Departments, submitted a report, which was ordered to lie on the table.

Mr. McCUMBER (for Mr. PILES), from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 8925) granting an increase of pension to Chester Simpson;

A bill (H. R. 8958) granting an increase of pension to David Bowen;

A bill (H. R. 9090) granting an increase of pension to Amasa B. Saxton;

A bill (H. R. 9100) granting a pension to Nancy C. Paine;

A bill (H. R. 9113) granting a pension to Elizabeth Cleaver;

A bill (H. R. 9218) granting an increase of pension to William T. Blanchard;

A bill (H. R. 9250) granting an increase of pension to Obediah B. Nations;

A bill (H. R. 9402) granting an increase of pension to Adam S. Van Vorst;

A bill (H. R. 11169) granting an increase of pension to Robert P. Call;

A bill (H. R. 11232) granting an increase of pension to Aaron L. Packer;

A bill (H. R. 11322) granting an increase of pension to Luther H. Starkey;

A bill (H. R. 11562) granting an increase of pension to Adam Wiles;

A bill (H. R. 10240) granting an increase of pension to John H. Curnutt;

A bill (H. R. 10400) granting an increase of pension to Thomas Harrison;

A bill (H. R. 9403) granting an increase of pension to Kate E. Hanna;

A bill (H. R. 9816) granting an increase of pension to Charles A. Spanogle, alias Andrew C. Spanogle;

A bill (H. R. 10032) granting an increase of pension to Octavo Barker;

A bill (H. R. 10403) granting an increase of pension to James H. Odell;

A bill (H. R. 10760) granting a pension to Libbie A. Merrill;

A bill (H. R. 10773) granting an increase of pension to George C. Rathbun;

A bill (H. R. 19907) granting an increase of pension to James Butler;

A bill (H. R. 18410) granting an increase of pension to Andrew J. Cushing; and

A bill (H. R. 20955) granting an increase of pension to Edward L. Carpenter.

Mr. WHYTE, from the Committee on the District of Columbia, to whom was referred the bill (H. R. 23556) prohibiting the purchase or procurement, sale, gift, or disposition of intoxicating liquors to minors by unlicensed persons, reported it with amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 7423) prohibiting the purchase or procurement, sale, gift, or disposition of intoxicating liquors to minors by unlicensed persons, submitted an adverse report thereon; which was agreed to, and the bill was postponed indefinitely.

BILLS INTRODUCED.

Mr. DU PONT introduced a bill (S. 7923) granting an increase of pension to William H. Brady; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. KNOX introduced a bill (S. 7924) granting an increase of pension to Lissie D. Allen; which was read twice by its title, and referred to the Committee on Pensions.

Mr. MCENERY introduced a bill (S. 7925) for the relief of the estate of Daniel Y. Grayson, deceased; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Claims.

Mr. CULLOM introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 7926) granting an increase of pension to John Ampey; and

A bill (S. 7927) granting a pension to Mary A. Kendall.

Mr. FRYE introduced a bill (S. 7928) for the relief of Watson, Frye & Co.; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Claims.

Mr. DILLINGHAM introduced a bill (S. 7929) to provide a temporary home for ex-Union soldiers and sailors in the District of Columbia; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. McCUMBER introduced a bill (S. 7930) granting an increase of pension to Joseph Hare; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 7931) to provide an American register for the bark *Baunen*; which was read twice by its title, and referred to the Committee on Commerce.

Mr. PLATT introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 7932) granting a pension to Charles E. Norcross;

A bill (S. 7933) granting a pension to Fayette J. Sheldon; and

A bill (S. 7934) granting a pension to Delia Rood.

Mr. GALLINGER introduced a bill (S. 7935) to regulate the inspection and sale of flour within the District of Columbia; which was read twice by its title, and, with the accompanying paper, referred to the Committee on the District of Columbia.

He also introduced a bill (S. 7936) granting an increase of pension to Liberty W. Foskett; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. BURROWS introduced a bill (S. 7937) granting an increase of pension to George H. Sowle; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. ALLEE introduced a bill (S. 7938) granting an increase of pension to John W. Messick; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 7939) granting a pension to Jane Gamble; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. OVERMAN introduced a bill (S. 7940) to carry out the findings of the Court of Claims in the case of E. M. Allison, administrator of Francis Allison, deceased; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 7941) granting an increase of pension to William Nichols; which was read twice by its title, and referred to the Committee on Pensions.

Mr. MONEY introduced a bill (S. 7942) for the relief of T. M. Davidson, administrator of Margaret Davidson, deceased; which was read twice by its title, and referred to the Committee on Claims.

Mr. HEMENWAY introduced a bill (S. 7943) to remove the charge of desertion from the military record of John C. Partlow; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. KEAN introduced a bill (S. 7944) to aid in the erection of the memorial monument to Pocahontas, at Jamestown, Va.; which was read twice by its title, and referred to the Committee on the Library.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. LONG (for Mr. CLAPP) submitted an amendment proposing to appropriate \$1,200 for lowering and grading Brentwood road, between South Dakota avenue and Central avenue NE., intended to be proposed by Mr. CLAPP to the District of Columbia appropriation bill; which was referred to the Committee on the District of Columbia, and ordered to be printed.

He also (for Mr. CLAPP) submitted an amendment conferring jurisdiction upon the Court of Claims to hear and report findings of fact to Congress in all cases where a claim is made upon the United States based upon a treaty between the United States and an Indian tribe, etc., intended to be proposed by Mr. CLAPP to the Indian appropriation bill; which was referred to the Committee on Indian Affairs, and ordered to be printed.

Mr. LONG submitted an amendment relative to the removal of restrictions upon the alienation, leasing, or encumbering of lands, except homesteads, of Indian allottees of the Five Civilized Tribes of Indians, etc., intended to be proposed by him to the Indian appropriation bill; which was referred to the Committee on Indian Affairs, and ordered to be printed.

He also submitted an amendment granting to the executive committee of the Eastern Cherokees the right to intervene on behalf of the Eastern Cherokees in the Court of Claims in the consolidated cases of the Cherokee Nation, the Eastern Cherokees, and the Eastern and Emigrant Cherokees against The United States, etc., intended to be proposed by him to the Indian appropriation bill; which was referred to the Committee on Indian Affairs, and ordered to be printed.

Mr. CLARK of Wyoming submitted an amendment relative to an appraisal of the segregated coal and asphalt lands of the Choctaw and Chickasaw nations, etc., intended to be proposed by him to the Indian appropriation bill; which was referred to the Committee on Indian Affairs, and ordered to be printed.

MARY G. BRIGHT—WITHDRAWAL OF PAPERS.

On motion of Mr. FRYE, it was

Ordered, That the papers accompanying Senate bill No. 21, Fifty-ninth Congress, first session, granting a pension to Mary G. Bright, may be withdrawn from the files of the Senate, there having been no adverse report on said bill.

ADDITIONAL COPIES OF SERVICE-PENSION BILL.

Mr. McCUMBER. I ask for an order to print, for the use of the Senate, 5,000 additional copies of Senate bill 976, the pension bill recently passed. There is great demand for it and the supply is exhausted.

There being no objection, the order was agreed to, as follows:

Ordered, That 5,000 additional copies of S. 976, granting pensions to certain enlisted men, soldiers, and officers who served in the civil war and the war with Mexico, be printed for the use of the Senate.

HEARINGS BEFORE COMMITTEE ON INTERSTATE COMMERCE.

Mr. KEAN submitted the following resolution; which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Committee on Interstate Commerce be, and the same is hereby, authorized to employ a stenographer from time to time, as may be necessary, to report such hearings as may be had on bills or other matters pending before said committee, and to have the hearings and bills printed for the use of the committee, and that such stenographer be paid out of the contingent fund of the Senate.

ORDINANCE OF PORTO RICO.

The VICE-PRESIDENT laid before the Senate the following message from the President of the United States; which was read, and, with the accompanying paper, referred to the Committee on Pacific Islands and Porto Rico, and ordered to be printed:

To the Senate and House of Representatives:

Referring to section 32 of the act approved April 12, 1900, entitled "An act temporarily to provide revenues and a civil government for Porto Rico, and for other purposes," I transmit herewith an ordinance enacted by the executive council of Porto Rico and approved by the President of the United States.

THEODORE ROOSEVELT.

THE WHITE HOUSE, January 18, 1907.

HOUSE BILLS REFERRED.

The following bills were severally read twice by their titles, and referred to the Committee on Commerce:

H. R. 21197. An act to amend an act entitled "An act to amend the statutes in relation to immediate transportation of dutiable goods, and for other purposes," approved June 10, 1880, by extending the provisions of the first section thereof to the port of Brunswick, Ga.; and

H. R. 24109. An act to authorize the Norfolk and Western Railway Company to construct sundry bridges across the Tug Fork of the Big Sandy River.

CONSIDERATION OF DISTRICT OF COLUMBIA BILLS.

Mr. GALLINGER. Mr. President, I ask unanimous consent that at the conclusion of the remarks of the Senator from Maryland [Mr. WHYTE] one-half hour be given for the consideration of unobjected bills on the Calendar reported by the Committee on the District of Columbia.

The VICE-PRESIDENT. The Senator from New Hampshire asks unanimous consent that at the conclusion of the remarks of the Senator from Maryland one-half hour be devoted to the consideration of unobjected bills reported from the Committee on the District of Columbia. Is there objection? The Chair hears none. It is so ordered.

ADJOURNMENT TO MONDAY.

Mr. LODGE. I find that the Senator from Utah [Mr. SUTHERLAND] does not care to go on until Tuesday, for which day he has given notice. I therefore renew my motion that when the Senate adjourns to-day it be to meet on Monday next.

The motion was agreed to.

CHILD LABOR IN THE DISTRICT OF COLUMBIA.

Mr. BEVERIDGE. Mr. President, I gave notice that on Monday I would submit some remarks on an amendment intended to be proposed by me to the bill (H. R. 17838) to regulate the employment of child labor in the District of Columbia. As the Brownsville incident will take up all of that day, I wish to change the notice to Wednesday, January 23.

DISMISSAL OF THREE COMPANIES OF THE TWENTY-FIFTH INFANTRY.

Mr. KEAN. Is the morning business closed?

The VICE-PRESIDENT. Are there further concurrent or other resolutions? If not, the morning business is closed.

Mr. KEAN. May I ask the Chair what has become of the resolution of the Senator from Ohio [Mr. FORAKER]?

The VICE-PRESIDENT. The resolution is upon the table.

Mr. KEAN. Then I ask that it may go over until Monday, to be taken up immediately after the routine morning business on Monday.

The VICE-PRESIDENT. Without objection, it is so ordered.

EXTENSION OF FEDERAL POWERS.

Mr. WHYTE. Mr. President, I ask that Senate resolution No. 200 be taken from the table and read by the Secretary.

The VICE-PRESIDENT. At the request of the Senator from Maryland, the Chair lays before the Senate the following resolution, which will be read.

The Secretary read the resolution submitted by Mr. WHYTE December 17, 1906, as follows:

Resolved, That the people of the several States, acting in their highest sovereign capacity as free and independent States, adopted the Federal Constitution and established a form of government in the nature of a confederated republic, and for the purpose of carrying into effect the objects for which it was formed delegated to that Government certain rights enumerated in said Constitution, but reserved to the States, respectively, or to the people thereof, all the residuary powers not delegated to the United States by the Constitution nor prohibited by it to the States.

Resolved further, That the extension of the Federal powers beyond those enumerated in the Constitution can only be rightfully accomplished in the manner provided by that instrument and not by a strained construction of the Constitution which shall obliterate all State rights and vest the coveted, but not granted, power where it will be exercised by the General Government.

Mr. WHYTE. Mr. President, as the Senator from North Carolina [Mr. OVERMAN] said the other day, there are times in our political as well as individual life when we should take our bearings, and I may add, see what is the chart lying before us, and from whom we are to take our sailing orders.

The resolution under consideration states the form of our dual system of government, and the limitations of the powers delegated to the United States and those reserved by the States. It is impossible to discuss them without reference to the past history of the country and that, I trust, I shall do with laudable brevity.

The thirteen British colonies were separate and distinct communities; they had no political relation to each other.

They each had a government of its own. Three of the colonies as far back as 1643, united in a Federal Republic. Its existence was short-lived and its action was purely tentative. For a considerable period the efforts of the colonies were manifested in various devices to bring them together for purposes of safety and for the regulation of commerce. The first Continental Congress met to secure the rights of the colonies. The relations, however, of that Congress with the colonies did not constitute a government. They had not at that time renounced their allegiance to the mother country and declared their independence.

In 1776 the people of the respective thirteen colonies declared, in instructions to their Congressional Delegates, that they were "States independent and united." They were, by tradition and education, hostile to the establishment of an overruling central force, and they abhorred the idea of parting with the vital principle of freedom and self-direction in all their domestic concerns. In every way and form they sturdily resisted the encroachments of the Crown.

On the 10th June, 1776, a committee of Congress, consisting of five Members, was appointed to prepare a declaration "that these United Colonies are and of right ought to be free and independent States." Such declaration was made on the 4th July, 1776, and received the vote of every Colony.

The purpose of the then revolutionary government was to rescue the several communities or States from the Government of the British Crown.

The form of that Government was not changed by the Declaration of Independence, but from that time forth it made the Colonies, "free and independent States."

Prior to the Declaration of Independence the dominant idea of the people of the Colonies was for home government for each Colony, no matter what might be the General Government of the Colonies.

The revolutionary heroes waged war against Great Britain in behalf of their own people because the Government of that Kingdom was "one, outside of themselves." Indeed the war of the Revolution was largely based on an assault upon the right of Home Rule and had its start in the resistance to the enforcement of an act of the British Parliament by the people of Massachusetts, and thus the Colonies were aroused to the protection of their domestic Governments against the encroachments of imperial power. As distinct communities, nevertheless, they could not, then, form a practical union; but by reason of the successful revolution they were enabled to exercise the right of confederation.

On the 1st of March, 1781, the Articles of Confederation were subscribed and their ratification by all the States was announced to the whole country. The central authority was now in the Confederacy in the place of the Crown, and the same limited power only was granted to it.

In the treaty of peace of September 3, 1783, the States were distinctly recognized by name, as appears from Article 1. His

Britannic Majesty acknowledges the said United States, viz. New Hampshire, Massachusetts Bay, Rhode Island and Providence Plantations, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, North Carolina, South Carolina, and Georgia, to be free, sovereign, and independent States, and he treats with them as such.

As late as 1803, in the treaty with France for the cession of Louisiana, the third article provided "that the inhabitants of the ceded territory shall be incorporated in the Union of the United States and admitted as soon as possible, according to the principles of the Federal Constitution, to the enjoyment of all the rights, advantages, and immunities of citizens of the United States."

Into the Union of the United States, not "into the United States" under the Federal Constitution, but into the Union of the States, with the rights, etc., of citizens of the United States. And there is a like clause in the Treaty with Spain in 1819 in the cession of the Floridas.

"The alliance of the States," as Washington then expressed it, is now complete. This alliance was a "Confederate Republic," as declared by Randolph, Ellsworth, and Varnum, a committee of Congress appointed to prepare an exposition of the confederation, to devise a plan for its complete execution, and to present supplemental articles.

Conceiving the defects in the Articles of Confederation, upon the disbanding of the army, Washington addressed a circular to the governor of every State, in which he used the following language: "It is indispensable to the happiness of the individual States that there should be lodged somewhere a supreme power to regulate and govern the general affairs of the confederated republic, without which the Union can not be of long duration, and everything must very rapidly tend to anarchy and confusion."

The Federation of the United States had no prototype which had equaled it. It had no parallel in history which can compare with it, even if it was not adequate to the then condition of the States.

It was a matter of no dispute at that early date that the chief defect of the Confederation under its articles was, that it acted upon political bodies, while the present Constitution operates upon natural persons. The Congress of the Confederation represented the States, not the people of the States, so that their enactments were merely requests for enforcement by the States. Under the present Constitution the people are represented in the House.

The Articles of Confederation had provided that—

Each State retains its sovereignty, freedom, and independence, and every power, jurisdiction, and right, which is not by this Confederation expressly delegated to the United States in Congress assembled.

The changes subsequently made in the Constitution were not changes in the foundation of the Union, but in the superstructure of the system of government. They are now, as they have been from the beginning, united confederated States, and the union entered into by them is in the nature of a confederated republic. The parties to the Articles of Confederation were "free, sovereign, and independent political communities—each possessing within itself all the powers of legislation and government over its own citizens which any political society can possess." "By this instrument these several States became united for certain purposes." Its style was "Articles of Confederation and Perpetual Union between the States," and its name was "The United States of America." As I said before, article 2 provided that each State retains its sovereignty, freedom, and independence, and every power, jurisdiction, and right which is not by this Confederacy expressly delegated to the United States in Congress assembled." In the title of the articles the names of the States were distinctly set forth. In the concrete, it was a league for mutual defense. As early as December, 1779, Virginia, alarmed at some unwise legislation of Congress, resolved, in its legislature, that these enactments would establish a "dangerous precedent against the authority of the legislature and the sovereignty of the separate States."

The time had arrived for the establishment of a vigorous Federal Government for thirteen distinct communities; "a Government that should not destroy the political sovereignty of the States and should yet introduce a new sovereignty formed by means of powers whose surrender by the States, instead of weakening their present strength, would rather develop and increase it."

In 1787 Congress resolved that a convention be held for "the sole and express purpose of revising the Articles of Confederation and reporting to Congress and the several legislatures such alterations and provisions therein as shall, when agreed to by Congress and confirmed by the States, render the Federal Government adequate to the exigencies of government and the pres-

ervation of the Union." It was never contemplated to change the confederate system.

With this view, the convention to revise and amend the Articles of Confederation and to establish a firmer General Government, met in Philadelphia on the 14th of May, 1787. That convention has been styled as "the wisest in the world." Its letter of attorney, from the constituent elements which the delegates represented, was clear and concise in its character.

"The government of every State was to be preserved, and so far as its original powers were to be transferred to the General Government its authority over its own citizens and within its own territory must, from the nature of political sovereignty, be supreme." Two supreme powers in the same country, operating upon the same individuals and both possessing the general attributes of sovereignty, but each operating upon different objects.

In the language of Mr. Mason in the convention, "the State Legislatures ought to have some means of defending themselves against the encroachment of the National Government. And what better means can we provide than to make them a constituent part of the National Government." In this way the States, as States, have their place in the new Constitution.

The greater reason now for the existence of the States is found in our vast expanse of country. Every attempt to change the federative character of the Republic met the most strenuous resistance. To a remark of Randolph, that the States ought to be one nation, Paterson of New Jersey replied:

The idea of a National Government, as contradistinguished from a Federal one, never entered into the mind of any of the States. If the States are, as States, still to continue in union they must be considered as equals. Thirteen sovereign and independent States can never constitute one nation and at the same time be States.

"If we are to be formed into a nation, the States, as States, must be abolished," as Ellsworth said.

Without the existence and cooperation of the States, a republican Government can not be supported over so great an extent of country. We know that the people of the States are strongly attached to their own constitutions. If you hold up a system of general government, destructive of their constitutional rights, they will oppose it. The only chance we have to support a general government is to graft it on the State governments.

The word "national" was excluded from the Constitution because it might seem to present the idea of the union of the people without bringing into view that the one Republic was formed out of many States. "E Pluribus Unum" is a motto which speaks for itself. Toward foreign powers we may be classed as a nation, being one of the "family of nations," in regard to all matters of international law, treaty making, and the like. The Constitution spoke for the States, and on the question of agreeing to the engrossed Constitution, all the States answered "aye," and Alexander Hamilton, in a bold, plain hand, successively inserted on the great sheet of parchment, the name of each State, as the delegations one after another, came forward, in geographical order and signed the Constitution.

The seventh article provided that the ratifications of the conventions of nine States shall be sufficient for the establishment of this Constitution between the States so ratifying the same. Done in convention by the unanimous consent of the States present, etc.

Again, the very fact that the framers of the Constitution by the adoption of the principle of an equal State representation in the Senate furnished conclusive evidence of their recognition of the nature of the Government as of a Confederate Republic. Nothing is plainer as to the determination of the States to retain the power of distinct, equal, separate sovereignties in all matters not surrendered to the General Government than in their insistence, in reference to the treaty-making power, that the consent of two-thirds of the Senators present should be necessary to the ratification of a treaty. A bare majority was not to make a treaty the supreme law of the land. In the preamble to the Constitution it begins, "We, the people of the United States," and has been used as an argument in favor of a National Government that the mission of the separate States by name, as in the articles of confederation, denoted a change in the constituent elements of the two instruments; but it would not have done to have named the States in the Constitution, as it was not known by the convention what States would constitute the nine necessary to make the Constitution effective by subsequent ratification.

Mr. Madison, in answer to Patrick Henry, in explanation of those words said, that the people referred to was not the people, as composing one great society, but the people composing thirteen sovereignties. A majority of the people could not establish it; but it was to be binding only on the people of a State by their own separate consent. The Government of the Union is a government of these people in their several States; it emanates from them; its powers are granted by them and

are to be exercised for their benefit. And so, the people are recognized by representation in the House, and the States by the Senators, who come direct from their legislatures.

Bancroft, in his *History of the Constitution of the United States*, declared it to be "a complete outline of a Federal Republic." The Government of the United States is the representative of the people of the States, with its powers specially enumerated in the Constitution, and delegated to that Government. But beyond this the States, severally, have their own separate governments, which are the organs, as to all other powers of government not otherwise delegated, and these, without enumeration, are the reserved or residuary powers inherent in the States or in the people thereof. It is not essential to catalogue them in this presence. They are as simple as the alphabet. The question seems to have been taken out of the realm of disputation by the amendments to the Constitution proposed by Congress, and ratified by the legislatures of the several States, in pursuance of the fifth article of the original Constitution, which amendments are contained in twelve articles, and the tenth declared in no ambiguous terms that the powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States, respectively, or to the people—that is, the same people who adopted the Constitution, namely the people of the States.

In my judgment the Government is one in the nature of a confederated republic, established by the States, by the people of the States, and not by the aggregated people of the United States.

It differs from the confederacy only in providing a stronger federal power, in that it established a government in place of a congress, which had no power to enforce its acts; in abandoning a reliance upon the constituent States to furnish voluntarily the means to execute the resolves of the Congress, and instead substituting powers to operate upon individuals in the several States by machinery essential to the life of a republic.

It has been asserted, whether true or false I know not, that Gladstone, speaking of our Constitution, remarked:

As the British constitution is the most subtle organism which proceeded from progressive history, so the American Constitution is the most wonderful work ever struck off at a given time by the brain and purpose of man.

Nor was it a far-fetched compliment. In the language of another may I say:

For the first time in history an elaborate written constitution was applied to a federation. The details were so skillfully arranged that the instrument framed for thirteen little agricultural communities works well in forty-five large, populous States.

In the language of Mr. Jefferson, it is our duty to—

support the State governments in all their rights, as the most competent administration of our domestic concerns and the surest bulwarks against antirepublican tendencies; the preservation of the General Government in its whole constitutional vigor, as the sheet anchor of our peace at home and safety abroad.

From these sources of information in my early manhood I concluded that the structure of our Federal Government was in the nature of a confederated republic, and with all the light of subsequent discussion I have not wandered from that conviction one hair's breadth. Complex in its form, I admit, but its complexity is not so inscrutable that the mind of ordinary intelligence can not grasp what relates to the General Government and what belongs to the respective constituent States or the people.

A great and honored lawyer, holding high place in the affairs of this country, in a recent address upon the thesis of "What is to be the future of the States of the Union under our dual system of constitutional government" has given utterance to sentiments so plainly at war with the provisions of the Constitution in regard to the powers of the General Government and the reserved rights of the States that I felt it my duty, representing in part on this floor one of the original thirteen States forming the Union, to call the attention of the Senate and the country to the dangerous tendency of such views, coming from so exalted a source. In reading that address one would suppose that the centralizing and aristocratic scheme of Alexander Hamilton had been adopted by the "great convention," instead of the Constitution of the United States, with its democratic form of a republic. His speech revives the painful recollection of a discredited and rejected plan of government of a statesman whose ideas were of monarchical tendencies. The beautiful description of our beloved country, the advance in science and art, invention and trade, rapid transit and telephone communication, was worthy of the erudite word painter and the ripe scholar, but in the political changes of sentiment, which he depicted as existing now, he drew largely on poetic license.

It is error to suppose that in the States the devotion to home rule or the opposition to Federal usurpation has abated one jot or tittle from its intensity as in the days of our fathers. I chal-

lenge the proof that "we are urging forward in a development of business and social life, which tends more and more to the obliteration of State lines and the decrease of State power." The wish, I fear, is father to the thought. No doubt, there are disciples of the school of Hamilton, who would invade the region of the reserved rights of the States in controlling insurance, divorces, child labor, and the like, which belong exclusively to the cognizance of the several States. But let us consider this statement:

It may be that such control could better be exercised in particular instances by the governments of the States, but the people will have the control they need either from the States or from the National Government, and if the States fail to furnish it in due measure, sooner or later, constructions of the Constitution will be found to vest the power where it will be exercised—in the National Government.

No suggested change here in the constitutional fabric of our governmental organization by the process of amendments or a constitutional convention, such as framed the present Constitution, but by a construction of the Constitution in its original form the power coveted will be vested "in the National Government." Read in the light of another address delivered in October last, by one higher in authority than the distinguished orator just referred to, and for whom in his official character I entertain a high regard and from whose well-earned wreath of laurel I would not pluck a leaf, it is not difficult to see where the apt construction, if at all, is to be found:

In some cases this governmental action must be exercised by the several States individually. In yet others it has become increasingly evident that no efficient State action is possible, and that we need through Executive action, through legislation, and through judicial interpretation and construction of law to increase the power of the Federal Government.

Speaking of the lamented Lincoln he said:

He developed even before Marshall the doctrine (absolutely essential, not merely to the efficiency, but to the existence of this nation) that an inherent power rested in the nation, outside of the enumerated powers conferred upon it by the Constitution, in all cases where the object involved was beyond the power of the several States.

I can not yield allegiance to the soundness of any such doctrine. Even Daniel Webster, in his reply to Hayne of South Carolina, in the famous debate between those parliamentary gladiators, admitted that the General Government possesses those powers *only* which it can be shown were conferred by the terms of the Constitution and *no more*. All the rest belong to the State governments of the people themselves. The Federal Government exercises strictly delegated powers and can have no right to intrench on the reserved powers of the States. Its powers, being limited, are to be strictly construed. Again, from the same address:

It is the narrow construction of the powers of the National Government which in our democracy has proved the chief means of limiting the natural power to cut out abuses. * * * Many legislative actions and many judicial decisions, which I am confident time will show to have been erroneous and a damage to the country would have been avoided if our legislators and jurists had approached the matter of enacting and construing the laws of the land in the spirit of your great Pennsylvanian, Justice Wilson—in the spirit of Marshall and Washington. Such decisions put us at a great disadvantage in the battle for industrial order as against, at present, industrial chaos.

The legislative or judicial actions and decisions of which I complain, be it remembered, do not really leave to the States power to deal with corporate wealth in business.

Can the "construction" which is to allow the Federal Government to invade the province of the State be looked for in the judiciary, where few men can be found to bend the knee that thrift may follow fawning? Does it fall within the compass of belief that it can be found in that noble band of judges who are inspired by the dignity of their high office, and whose power in the judicial department is described by John Hay Brown, justice of the supreme court of Pennsylvania, in these ringing words:

How transcendent is its authority to mark the limits of executive and legislative power; to administer the laws and give commands, not only to individuals, but to President and Congress; to sit in judgment on the proceedings and privileges of the sovereign States, and to give final form and effect to the great charter of the Union, on which the rights, the peace, the harmony, the prosperity, safety, and honor of the whole country depend.

Oh, no; it must not and can not be! So, to quote that fearless justice once again:

When, under delegated powers committed to the General Government, Congress attempts to do, even with the approval of the President, what the people will not permit it to do, but one power on earth can save the country from the consequence of legislative wandering beyond constitutional limits—the Federal judiciary.

No proposition is more hostile to the wishes of the great masses of the people than that of extension of the powers of the General Government and for consolidation or accumulation in the Federal Government of the powers properly belonging to the States. No suggestion, in my judgment, could be more odious, as it was in the past, nor is it now less hateful in the present condition of the country. It has not even the charm of novelty. During the contests between the Federalists and

the Republicans, in 1800, the leaders of the then schools of political thought were Marshall and Hamilton on the one side and on the other the State's rights men, Jefferson and Madison, and the key to the triumph of either was then mooted to be in the Supreme Court.

One idea was to have adopted an amendment to the Constitution changing the tenure of the judges for life to four or six years; the other was to accomplish, by the appointment of enough judges to outvote Marshall and his Federalist companions, or by the alteration of the judiciary acts to impair seriously the activity of the Supreme Court. Such were the frantic cries of the frenzied partisans of that heated period; but to the honor of the Republicans of that day, Jefferson would have none of it, but trampled under foot such revolutionary suggestions.

I feel confident that the wise distribution of powers between the General and State Governments are amply sufficient to protect us from the supposed dangerous tendencies of the times, if the sovereign people of the States, upon whom both governments rest for safety, will take warning in time and resist with reason the errors of such political thought.

DISMISSAL OF THREE COMPANIES OF TWENTY-FIFTH INFANTRY.

Mr. GALLINGER rose.

Mr. CULBERSON. Will the Senator from New Hampshire yield to me for a few minutes?

Mr. GALLINGER. With great pleasure.

Mr. CULBERSON. I desire to ask leave to have printed in the RECORD certain papers which I will mention presently. They relate to the resolution which is pending, introduced by the Senator from Ohio [Mr. FORAKER], but I do not intend at this time to discuss that resolution further. Nor is it my purpose to discuss now the amendment to that resolution proposed yesterday by the Senator from Kentucky [Mr. BLACKBURN], not only proposed, but written entirely by that distinguished Senator.

Mr. BEVERIDGE. Mr. President—

The VICE-PRESIDENT. Does the Senator from Texas yield to the Senator from Indiana?

Mr. CULBERSON. Certainly.

Mr. BEVERIDGE. It is merely with reference to the Senator's request that certain documents be printed in the RECORD.

Personally I have no objection, but I call the attention of the Senator to the fact that that is not in accordance with the customary procedure of the Senate. I suggest to the Senator that he suspend the request in any event until the Senator from Ohio is present. I am not personally concerned about it, but I have heard several Senators object heretofore when similar requests have been made.

Mr. CULBERSON. I do not think—of course my experience here is limited—

Mr. BEVERIDGE. The same as mine; exactly.

Mr. CULBERSON. I do not think that my request runs counter to any rule or custom of the Senate in this regard. The papers to which I refer are included in documents already printed by order of the Senate, and I simply desire to print certain of them in the RECORD in order that the people of the country may have the benefit of what they contain.

Mr. GALLINGER. That is all right.

Mr. BEVERIDGE. I suggest to the Senator from Texas—and I am not going to press any objection at all, because I am not concerned about it—the propriety at least of suspending his request until the Senator from Ohio is here.

Mr. CULBERSON. I do not know whether I will have another opportunity to-day, and there is nothing, as I conceive, which could possibly work any discourtesy to the Senator from Ohio in this respect.

Mr. GALLINGER. As I understand, they are simply extracts or excerpts from documents already printed by the Senate.

Mr. CULBERSON. From documents already printed by the Senate.

Mr. GALLINGER. I should think there could be no objection.

Mr. CULBERSON. I will state them in order that what they are may appear in my statement. The first refers to what action was taken by the War Department and the Department of Justice to secure to the accused soldiers of the Twenty-fifth Infantry full protection under the law. The second is the testimony of witnesses, which was taken under the supervision of the Assistant Attorney-General recently at Brownsville, and includes the testimony of the following witnesses: Sanborn, Schriber, Mrs. Cowen, Gertrude Cowen, Mrs. Leahy, Mrs. Parks, Mr. Odin and his wife, and all the testimony on the subject of the rifles, bullets, etc., given by the experts of the Ordnance Department of the Army. Those constitute the matters I desire to have printed in the RECORD, so that the people of the country, as well as the Senators here, may have the benefit of the testimony in reference to this subject.

The VICE-PRESIDENT. Without objection, permission is granted.

The papers referred to are as follows:

[Telegram.]

CAMP MABRY,
Austin, Tex., August 23, 1906.

MILITARY SECRETARY,
War Department, Washington, D. C.:

Following telegrams received from Brownsville this date:

ADJUTANT-GENERAL, CAMP MABRY,
Austin, Tex.:

Have placed three sergeants, three corporals, and six privates in confinement in guardhouse here on warrants issued by Judge Wells, of charge of murder, conspiring to murder, etc., to be kept in confinement until required by judge. I do not believe these men will have unbiased trial here. An effort, in my opinion, should be made to have them tried elsewhere. I also fear for their safety if turned over to civil authorities, in case of mob violence, although authorities assure absolute protection. Feeling here still very bitter. Request opinion on my action.

PENROSE, Commanding.

BROWNSVILLE, TEX., August 23.

CHIEF OF STAFF, CAMP MABRY,
Austin, Tex.:

Battalion Twenty-fifth will probably get away to-night. Warrants have been issued for murder, conspiracy to murder, etc., against three sergeants, three corporals, six privates, and one ex-soldier. They will be turned over to post commander, Captain Preston, Twenty-sixth Infantry, for safe-keeping, and placed in post guardhouse until required by district judge. Don't know when this will be; probably early part of next month; possibly earlier. Authorities pledge themselves able to keep prisoners from violence. Feeling here high.

BLOCKSON, Major.

In view of the excited state of feeling among citizens at Brownsville, I recommend that the Department of Justice be asked to take immediate steps for proper defense of these men, and that a change of venue be secured to some locality not affected by local excitement. I do not believe that the lives of these men will be safe if they are turned over to the civil authorities at Brownsville, nor will their witnesses be safe if sent back to that place. In view of present feeling, action looking to the immediate transfer of these men to another place of confinement pending trial is urged.

MCCASKEY, Brigadier-General, Commanding.

[Telegram.]

THE MILITARY SECRETARY'S OFFICE,
Washington, August 24, 1906.

COMMANDING OFFICER, Fort Brown, Tex.:

Confidential. Retain in military custody, under proper guard, accused soldiers. Before complying with any demand upon you by the civil authorities for their surrender forward the demand for action of the Secretary of War. Send it with such assurances as civil authorities can give of protection and fair trial for accused. Have you any doubt of your ability to protect accused soldiers adequately while they are held in military custody at Fort Brown, or to escort them safely to some other point should that course be ordered?

By order Acting Secretary War:

AINSWORTH,
The Military Secretary.

[Telegram.]

THE MILITARY SECRETARY'S OFFICE,
Washington, August 24, 1906.

COMMANDING GENERAL, DEPARTMENT OF TEXAS,
Camp Mabry, Austin, Tex.:

Confidential. Reference your telegram of yesterday, following telegram just sent to commanding officer, Fort Brown, Tex.:

"If companies Twenty-fifth Infantry have not left Brown, delay them until further orders. Answer immediately.

"By order Acting Secretary of War:

"AINSWORTH,
"The Military Secretary."

Department of Justice has telegraphed United States district attorney to go to Brownsville and confer with military and civil authorities regarding prisoners. Do you think if colored troops are removed that company of Twenty-sixth Infantry now at Fort Brown is sufficient to protect prisoners from violence there, or to remove them safely from there if it should be decided to remove them immediately?

By order Acting Secretary War:

AINSWORTH,
The Military Secretary.

[Telegram.]

THE MILITARY SECRETARY'S OFFICE,
Washington, August 24, 1906.

HON. WILLIAM LOEB, JR.,
Secretary to the President, Oyster Bay, N. Y.:

Commanding general, Department of Texas, reports warrants issued by civil authorities at Brownsville for twelve enlisted men in connection with disturbance there. Accused men now under guard at post, to be held until wanted by civil authorities. Commanding general recommends they be transferred and held elsewhere. Reports from Texas indicate that civil authorities can not now protect accused men from mob violence. Have consulted with Acting Attorney-General Robb, Acting Judge-Advocate-General Crowder, and General Bell. We all agree that accused men should be sent immediately to San Antonio and held there until Government can have reasonable assurance that they will receive protection and fair trial at hands of civil authorities. We think it unsafe to leave accused at Fort Brown, with only one white company of forty-eight men to protect them.

We also fear that turning them over to civil authorities at Brownsville now or in immediate future would be disastrous to them. Train is now waiting at Brown to take battalion Twenty-fifth Infantry to Fort Reno, Okla. We strongly recommend that battalion take accused men with it to San Antonio and turn them over to military authorities there, to be confined and guarded until they can be turned over to

civil authorities safely. Battalion to proceed to Fort Reno immediately upon delivering prisoners at San Antonio. Please get President's decision at earliest possible moment and rush answer to this, as train is waiting at Fort Brown and battalion ready to embark. In present excited state of feeling in Brownsville further delay in movement may make trouble.

AINSWORTH,
The Military Secretary.

[Telegram.]

EXECUTIVE OFFICE,
Oyster Bay, N. Y., August 24, 1906.

AINSWORTH:

Because of facts enumerated in your telegram of August 24, I entirely approve of the action you propose to take. Let the battalion take the accused men with it to San Antonio and turn them over to the military authorities there, to be confined and guarded until further direction from me. Meanwhile the battalion will proceed to Fort Reno immediately on delivering prisoners at San Antonio. Act immediately.

THEODORE ROOSEVELT.

[Telegram.]

THE MILITARY SECRETARY'S OFFICE,
Washington, August 24, 1906.

COMMANDING OFFICER, Fort Brown, Tex.:

Confidential. All men of Twenty-fifth Infantry who are now in custody of military authorities, including those for whom warrants have been issued by civil authorities, will be sent immediately with battalion to Fort Sam Houston and delivered to military authorities there. They will be held there until they can be turned over safely to civil authorities. Battalion will remain at Fort Sam Houston until sufficient white troops reach there to guard and protect prisoners. Battalion will then proceed immediately to Fort Reno. This movement of accused men should not be announced in advance, and should be made so as to avoid attracting attention or bringing on conflict with civil authorities. There is no intention of taking these men beyond jurisdiction of State of Texas or of withholding them from civil authorities a moment beyond time when they can be turned over safely. It is not believed safe to leave them at Fort Brown, as the one company to be left there is insufficient to do work of shipping property and supplies and at same time guard prisoners so as to prevent their escape or protect them if need be. You can make this explanation if it becomes necessary. The President himself directs the action herein ordered. You are authorized to make all necessary arrangements with railroad companies without referring matter to higher authority, and to arrange for holding train at San Antonio for reembarkation of battalion. Make movement quietly and discreetly. By all means avoid conflict if possible, but see that accused men and battalion are protected from violence during movement. Instructions have been wired to department commander, if possible, to have troops meet your train at San Antonio and relieve you of accused men, so that you can proceed direct to Fort Reno. Communicate with department commander at Camp Mabry, if possible. Start your movement at earliest possible moment.

By order Acting Secretary War:

AINSWORTH,
The Military Secretary.

[Inclosure.]

OFFICE OF UNITED STATES ATTORNEY,
SOUTHERN DISTRICT OF TEXAS,
Laredo, Tex., September 6, 1906.

Hon. WM. H. MOODY,
Attorney-General, Washington, D. C.

SIR: I beg leave to submit the following report covering my investigations in the matter of the negro soldiers at Brownsville, Tex.:

August 28, ultimo, I received a telegram from United States Attorney McLemore requesting me to go at once to Brownsville, Tex., "consult with military and civil authorities and report in detail situation and facts whether in your opinion accused soldiers can now get fair trial at Brownsville and be afforded protection by civil authorities against mob violence; if not, whether civil authorities will consent to change of venue, * * * report to Attorney-General." I immediately started for Brownsville via Monterey and Matamoras, Mexico, being the quickest route. I was fortunate on my journey to encounter several prominent persons who had been in Brownsville the night of the trouble with the negroes and afterwards. In order to arrive at an opinion of the feeling and conditions existing in Brownsville, I began a series of questions with them as well as others I met who could give me information on these points. After arrival in Brownsville I interrogated and consulted the military officer making an inspection for the War Department, Major Blastock [Blocksom], county judge, mayor of Brownsville, chairman of the citizens' protection committee, ex-district judge, collector of customs, inspector of customs, and citizens generally, poor, rich, and indifferent races, endeavoring, as nearly as possible, to feel the pulse of the entire body corporate, and judge of the sentiment existing.

I found the officials, and with very few exceptions all the citizens, most frank and courteous in expressing their views and opinions on the matter, and I had no difficulty in determining that such a prejudice existed against the accused negro soldiers that a fair trial or any trial could not be obtained in Cameron County. In fact, some of the best citizens expressed the wish that the soldiers might not be returned to Brownsville even for a trial, as they feared that, although the citizens had acted with the greatest prudence hitherto and refrained from any violence toward the soldiers, some firebrand might start trouble, and, once commenced, no telling where it might end. I also consulted with the State district judge and district attorney. They agreed that it would be impossible to try the case in Cameron County, and the judge gave me to understand that the cases, if any indictment were found, would be transferred to some county free from prejudice, possibly Nueces. In going over the evidence with the officials we were impressed with the difficulty of identifying any of the culprits, and there is great likelihood that no indictments can be found. The governor of Texas has offered a reward of \$500 for evidence leading to the conviction of the guilty ones, but it has produced no evidence thus far. My telegram to you from Brownsville covered this matter briefly. As to mob violence, I believe the hot-heads were governed by the prudence of the best counsel to refrain from any overt act, but that this was brought about mainly by the fact that there was a battalion of soldiers that would have to be overcome to reach the accused, I think, can be little doubted.

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Were the accused to be taken back to Brownsville for trial, should indictments be found, and such trial result in an acquittal, I fear, unless the accused were well guarded, there might be trouble before they could reach a place of safety. The city of Brownsville, without doubt, has suffered a terrible and unreasonable attack by soldiers, who should have acted just the opposite in affording them protection, and they are righteously indignant. As my instructions did not include a finding of the facts concerning the attack and the crime committed, I presume it is not desired. If, however, details of the attack and facts connected are desired, it can readily be had from the War Department from Inspector-General, as Major Blastock [Blocksom] and I know that he was very careful in gathering an unbiased mass of information and facts.

The chances are that unless the soldiers clean up their own quarters, or turn State's evidence, no conviction can ever be had of the guilty who have caused the disturbance and trouble.

I trust that I have fully covered the information desired in this report and have the honor of being,

Your obedient servant,

A. C. HAMILTON,
Assistant United States Attorney.

TESTIMONY.

1. *Testimony with reference to the assembling of the soldiers, the shooting from the barracks behind the garrison wall, the climbing over the garrison wall, and the shooting into houses on the Garrison road.*

Mr. F. A. H. Sanborn was first duly sworn by Maj. A. P. Blocksom, and, upon being examined by Mr. Purdy, testified as follows:

Q. Mr. Sanborn, do you reside in the city of Brownsville?—A. Yes, sir.

Q. How long have you lived here?—A. I can not give you the exact date now, but for more than thirty years.

Q. What is your business?—A. I am manager of the Western Union telegraph office.

Q. And where in this city is your office located?—A. At the extreme lower end of Elizabeth street, just facing the garrison wall.

Q. Right opposite the gate to the barracks?—A. Yes; it is the last building on Elizabeth street, opposite the gate through the wall.

Q. Were you at your home on the night of the 13th of August of this year?—A. Yes, sir.

Q. Did you hear the firing during that night?—A. Yes.

Q. About what time?—A. Shortly before 12 o'clock, I should say. I don't know that I thought to look at the time when I got up. I was already in bed and sound asleep and was awakened.

Q. Where did the firing seem to be?—A. It seemed to me, from the sound and the nearness of it, that it was right in front of the garrison gate, outside the wall—right near my window—near the small entrance gate to the garrison.

Q. When you were aroused from your sleep at that time what did you do?—A. I was so confused, and the firing was so near me and so heavy, that I could not form any idea of what was going on, and I could not find a match with which to light my lamp, and it was four or five minutes before I could realize what was happening.

Q. Did you make a light?—A. I did not until some time after that.

Q. What did you do then, after you got up and made a search for a light?—A. I went back, before I lighted the lamp, and opened the blinds—the window was opened and the blinds closed—and looked through them, and then I saw one colored soldier, who came up right by the wall and went through the small garrison gate.

Q. Will you describe to me, particularly, this soldier, what he was doing, from which direction he came, and where he went?—A. He came from the direction of the alley, where I afterwards heard the firing.

Q. That is the alley between Washington street and Elizabeth street?—A. Yes. Then he walked closely along beside the garrison wall; did not seem to be hurried; had his fire pieces with him, and walked deliberately on past, through the small gate toward the quarters in the barracks.

Q. Could you see him after he passed through the gate?—A. No; it was not so that I could see him, but I could see the general direction in which he was going.

Q. Were there any lights there at the entrance of the gate?—A. There was an oil lamp that sets on top of the posts of the gate.

Q. And it was from that light that you could see him and tell that he was a colored soldier?—A. Yes, sir.

Q. How was he dressed?—A. He was a small man—looked like a boy—and wore the regular undress uniform, khaki.

Q. Do you know from your observation, whether there were any soldiers about his size stationed here at that time?—A. I could not say as to that.

Q. Now, between the time that you were aroused and got out of bed and the time you saw this soldier enter the gate, about how many minutes elapsed?—A. I should not suppose that it was more than five minutes.

Q. What about the firing during that time?—A. Well, by the time that I looked through the blinds the firing had about ceased in front of me and I heard them firing back of me, up the alley. The first firing was so near me that it seemed as if I could almost feel the concussion.

Q. Then it receded and you heard it in the alley?—A. Yes, sir.

Q. How many shots would you judge, approximately, that you heard fired there from the beginning to the end?—A. I do not know; it would have to be a rough guess; but I think in the first firing right near me there must have been five or six, and afterwards I was some distance away from it and I did not try to keep count of them; however, I know there were a good many fired.

Q. Was there anyone in the upper part of that building in which you were located at that time?—A. Yes; the proprietor of the building and his wife—Mr. and Mrs. Rendall.

Q. Now, after you looked out of the window and saw this soldier going through the gate, what did you do then?—A. I came out into the office—I had communicating doors between the office and my room—and opened the end door, toward the garrison, and looked out; and a few minutes later, or, rather, before I opened the door, I heard the alarm.

Q. The call to arms?—A. Yes, sir. Then I opened my door and stood in it.

Q. Were you alone at that time?—A. Yes, sir.

Q. What did you see then?—A. I saw the officers coming over across the parade to the barracks, went into the quarters, heard them arouse the men, and afterwards I heard the roll call. I don't know where the company was formed, but from my hearing everything so plainly they must have been formed in the rear of the barracks or on the walks between the barracks.

Q. Where did you first observe the officers with lanterns?—A. I saw them come across the parade.

Q. Could you see them when they left their residences on the other side of the parade ground?—A. No; I did not see them until they got over near the soldiers' barracks.

Q. They went into the barracks?—A. Yes, sir.

Q. And then the soldiers came out?—A. Yes.

Q. And the officers formed in line, I presume?—A. Yes.

Q. The firing had ceased at that time?—A. Yes.

Q. After you came out on the porch did you hear any firing up in the town?—A. No; I think it had ceased.

Q. You don't recall any shots?—A. No, sir; I do not recall any.

Q. At the time you were there on your porch watching the roll call did you know or had you any idea of what had taken place in the town that evening?—A. No; it was a perfect surprise to me, and that was why I was so much confused, and when I first saw this colored soldier with his gun it made no impression on me, and finally I concluded that there must have been some trouble between the police and the soldiers.

Q. You formed that impression there at the time from what you saw?—A. Yes, sir.

Q. But you did not know that anyone had been assassinated or that any houses had been fired into?—A. No; not until the next morning.

Q. About how long did you stay out on the porch there?—A. I stayed there until they called the roll and things had quieted down, and then I went back to bed.

Q. During that time did you see any citizens upon the streets?—A. No. I looked up Main street, but I saw no excitement.

Q. Did you see any colored soldiers, other than the one you have designated, go back into the fort?—A. No, sir.

Q. Could you, from where you were, see the entire length of the wall?—A. No; not so as to be able to distinguish anyone, although it was not a very dark night.

Q. Did it occur to you to look to see whether any soldiers were coming back?—A. No.

Q. Then, as I understand you, the soldiers might have returned down the alley back of your residence and gotten over the wall without your having seen them?—A. Yes, sir.

Q. That wall was about how high?—A. About 4 feet.

Q. Were you ever in the Army?—A. Yes, sir. I enlisted as a private in the Twelfth Maine Regiment; served perhaps six months, I do not exactly know, and in Butler's expedition in New Orleans I was detailed from the regiment to learn telegraphy. I was quite a youth, and—

Q. You have been here, then, since the civil war?—A. Yes, sir. I served all through the war as a telegrapher and in the telegraph corps, although I was a member of the Army. I was the only one of several that were detailed that served in the Army; kept my name on the roll. We had had the choice to be discharged and be borne on the rolls without pay.

Q. Now, Mr. Sanborn, is there anything that you think of which occurred that night (the 13th of August, 1906) here in Brownsville, concerning which I have not interrogated you, with reference to which you care to make a statement?—A. No, sir; I don't think there is.

Q. Have you stated all that you know about that occurrence here?—A. Yes, sir; all that came to my personal knowledge.

Q. Was the house in which you were living that night fired into?—A. There was one shot through the upper story. I was told by Mr. Rendall that it went through the mosquito bar.

Q. Have you seen the mark of the shot since that time?—A. No; I have not examined it. I saw it from a distance.

Q. I call your attention, Mr. Sanborn, to "Exhibit A," which is a fire-insurance plat of that portion of the city of Brownsville adjacent to the fort, and ask you whether this building located at the corner of Elizabeth street and the road is the building in which you were on that evening?—A. That is exactly the location of the building; that plat may have been made before the house you refer to was built, but that is the location exactly. [Indicated by figure 1.]

Q. Calling your attention to this building marked "1" on the plat, your bedroom is in what portion of that building?—A. The rear portion of that building marked "1," toward the fort.

Q. And where was the place that you sat while you watched the soldiers assemble?—A. The door, midway in the front portion of the building.

Q. Facing toward the barracks?—A. Yes, sir.

Q. Both of those are located on the first floor?—A. Yes, sir.

F. A. H. SANBORN.

THE STATE OF TEXAS, County of Cameron, ss:

F. A. H. Sanborn, being first duly sworn, deposes and says that he has read the foregoing testimony by him subscribed, and that the same is true of his own knowledge, except as to those matters therein stated upon information and belief, and that as to those matters he believes them to be true.

F. A. H. SANBORN.

Subscribed and sworn to before me this 27th day of December, 1906.

[SEAL.]

LOUIS KOWALSKI,

Clerk District Court, Cameron County, Tex.

Herman Schrieber was first duly sworn by Maj. A. P. Blocksom, and, upon being examined by Mr. Purdy, testified as follows:

Q. What is your full name?—A. Herman Schrieber.

Q. Do you live in the town of Brownsville?—A. Yes, sir.

Q. How old are you?—A. I am 20 now.

Q. What is your occupation?—A. I just get work here any place; have no set trade.

Q. You live with your mother, Mrs. Wallace, at the corner of Fifteenth and Washington streets?—A. Yes, sir.

Q. And were living there on the 13th of August, 1906?—A. Yes, sir.

Q. In what room were you sleeping on that night?—A. I was sleeping in the southwest corner room, toward the garrison.

Q. Were you asleep at the time the shooting commenced?—A. No, sir.

Q. Were you in bed at the time?—A. Yes, sir.

Q. Now, you may state what you heard there that night.—A. Just about ten minutes of 12, when the first shots were fired, I got out of bed and walked out on the corner of the sidewalk; I could see them firing toward the river into the town.

Q. Where were the men that were doing the firing standing?—A. Inside the garrison wall; between the barracks and the garrison wall, inside.

Q. Where were you standing at that time?—A. I was standing right outside the house, about 15 feet from the gate of the house where I was staying.

Q. About how many shots did you see fired at that time?—A. Couple of volleys.

Q. What did you do then?—A. While I was standing out there I heard two bullets buzzing by; I heard it hit something, and as I thought it was right by me I went back into the house.

Q. That was the first time you supposed that the people who were doing the firing were firing ball cartridges?—A. Yes, sir.

Q. Before that what did you think it meant?—A. I did not know what it meant or what it was about.

Q. But when you heard this bullet come into the vicinity of your house you then went back into your house?—A. Yes, sir.

Q. Did you hear firing after that?—A. Yes, sir.

Q. From what direction?—A. Like it was coming up toward town.

Q. Can you locate more particularly, from the sound of the shooting, that it was coming up toward town?—A. It seemed to be right about that alley between Washington and Elizabeth streets.

Q. You went back into the house then and stayed there all night?—A. Yes, sir.

Q. With your mother?—A. Yes, sir.

Q. I presume that she was quite frightened also?—A. She was.

Q. Why did you not go out on the street after that to see what had happened?—A. My mother would not let me.

Q. In other words, from what you and she had seen that night, you concluded that there was something unusual happening in town?—A. Yes, sir.

Q. And she felt that it was not safe for you to be out?—A. Yes, sir.

Q. Now, did you hear any noises other than the firing over at the garrison on that night?—A. Yes, sir.

Q. Describe that noise.—A. They were saying something about "Where is that damn stuff," or, "Get it agoing."

Q. Where were you when you heard them say that?—A. I was walking in the house.

Q. That was after you had been out on the sidewalk listening to the firing?—A. Yes, sir.

Q. Could you tell where the persons were who said, "Get that damn stuff," or something similar to that?—A. It sounded to me as if it was in the second quarters from the river.

Q. You did not know what they meant?—A. No, sir.

Q. Could you tell whether or not there were soldiers out upon the porches of the barracks at that time?—A. No, sir; I never noticed; it was a little dark at the time.

Q. Did you hear anything that would indicate that there were soldiers?—A. Yes; I heard walking on the porches.

Q. You say you heard running up and down on the porches?—A. Yes, sir.

Q. And then you went inside?—A. Yes, sir.

Q. About how long after the first firing that you heard—and that was while you were in the house—did the bugle sound?—A. It came right after the shots.

HERMAN SCHRIEBER.

THE STATE OF TEXAS, County of Cameron, ss:

Herman Schrieber, being first duly sworn, deposes and says that he has read the foregoing testimony by him subscribed, and that the same is true of his own knowledge, except as to those matters therein stated upon information and belief, and that as to those matters he believes them to be true.

HERMAN SCHRIEBER.

Subscribed and sworn to before me this 30th day of December, 1906.

[SEAL.]

LOUIS KOWALSKI,

Clerk District Court, Cameron County, Tex.

2. Testimony with reference to the course of the raiders from the Garrison road, up the alley to Fourteenth street, where they shot into the Cowen house, the Garza house, and the rear of the Leahy Hotel.

Mrs. Anna Adrienne Cowen was first duly sworn by Maj. A. P. Blocksom, and, upon being examined by Mr. Purdy, testified as follows:

Q. What is your full name?—A. Anna Adrienne Cowen.

Q. Mrs. Cowen, you live in the city of Brownsville?—A. Yes, sir.

Q. And you live with your husband and your family in your dwelling house on Fourteenth street next to the alley?—A. Yes; for nearly twenty years.

Q. You were in your house on the night of August 13, 1906?—A. Yes, sir.

Q. I believe that a party was taking place in your house during the early part of that evening and until late?—A. Yes, sir.

Q. A party of young people?—A. Yes, sir.

Q. About what time did the children leave your home on that evening?—A. After taps; they wanted to stay until 12, but one or two that lived farther away had to leave earlier; they went after 11 o'clock.

Q. You remember the shooting that occurred in the vicinity of your home on that evening?—A. Perfectly.

Q. When the firing first commenced, where were you in your house?—A. I was sitting right here at the end of the dinner table where I am sitting now.

Q. That is, in the middle room in the rear of your house?—A. Yes.

Q. Where were your children at that time?—A. I had three lying in that room [indicating], west of the dining room.

Q. Where were the rest of the children?—A. My boy was in his room, the one east of the dining room nearest the alley, and the baby was sitting in his chair in my bedroom, the northwest room.

Q. Now, Mrs. Cowen, where was the shooting located?—A. Undeniably in the post. I knew from the start that it was the negroes and that it was a riot, I thought, between the Mexican police and the soldiers, and that they had had a clash.

Q. Now, with reference to your home, in which direction did the firing appear to be?—A. The firing seemed to be from the direction of the post—did not seem, I knew it.

Q. About how many shots did you hear before they came near you?—A. Ten or more.

Q. Did you still remain in your dining room?—A. Yes; until the shooting came right to us in the alley.

Q. You did not see the soldiers?—A. No, sir.

Q. Did you hear them?—A. No, sir.

Q. Now, will you go on and state just what happened here in your house with respect to the firing?—A. Just as soon as the firing came right on us so that I could not be mistaken that they were shooting at our house, I gathered up the children and hurried them under the bed in my room, the northwest room. We had had the windows open and my servant girl kept trying to close them during the firing. She saw the soldiers and she heard them talk, and she was at the door [indicating], not 3 feet—

Q. Where were you when the lamp on the table was shot out?—A. In my bedroom.

Q. Was this dining-room light the only light in this room?—A. Yes.

Q. In what other rooms were there lights?—A. In the hall there was a large Rochester hanging lamp.

Q. Was there a light in your boy's room?—A. No.

Q. Was there a light in your front room?—A. No; in the hall; and one in my bedroom in the northwest part of the house.

Q. And you were in there when the shooting was going on in the alley?—A. Yes; when they were firing directly on us—in there with my children.

Q. You remained in there until after the last shot was over?—A. Yes. Q. Could you tell where the shots were going?—A. We could hear the bullets whizzing; we could smell the powder, and were almost suffocated by it, and it seemed as if the walls themselves shook.

Q. Where did the firing seem to be after it had ceased in the alley?—A. I concluded that they ran uptown.

Q. And you did not hear any firing uptown, then, after the firing ceased here?—A. I could not tell you of any more than what happened in my house.

Q. When did you make an examination of the bullet holes in your house?—A. When this lamp was blown out the girl crawled to my bedroom and said nothing about the lamp, but she did remark to me, "They have broken the wardrobe glass," and when the firing stopped she got up, went to the front door and looked out, and I heard voices across the street, and I called out, "Oh, Katie, is that you?" and I said, "We have nearly been killed over here," and I thought then that the wardrobe had been the only thing struck. We had not gotten up at all.

Q. Did you and the children then go over to the Leahy Hotel?—A. Yes; and stayed there all night.

Q. When did you come over and make an examination?—A. That same night, about 1 o'clock or so in the morning.

Q. Now, Mrs. Cowen, will you state where the bullet holes are located in your dining room and in your boy's bedroom?—A. There are about ten in my boy's room, about 4 or 5 feet from the ground. Five shots are within 2 or 3 inches of each other.

Q. That is, in the east window of your boy's room?—A. Yes, sir.

Q. With respect to the dining room, where are they?—A. There is one the same height, about 4 feet. It came through the window and broke the glass and then broke the lamp on the dining-room table. That came from the alley. These shots, when they came into these rooms, traveled from one room to the other.

Q. And they went through the various partitions of the house?—A. Yes. There are ten bullet holes in the children's room (southwest corner of the house), four over their bed, about 6 feet above the floor.

Q. Now, these bullet holes that we see in the children's bedroom were evidently made by the same bullets that entered the house through your boy's bedroom?—A. Yes; I suppose so.

Q. And about how many bullets entered these three rooms of your house?—A. We counted ten in all. Then we have several in the fence outside.

Q. Now, the next morning, did you find any bullets in the house?—A. Yes; several. I found these [exhibiting several battered bullets] in the different rooms.

Q. Now, Mrs. Cowen, you do not know, of your own knowledge, as to who did this shooting?—A. No; I know it was soldiers, but do not know which ones.

Q. You make that statement from the fact that you heard the firing over at the barracks?—A. Oh, undeniably.

Q. And they came up the alley?—A. Yes, sir.

Q. And you got into that further room as soon as you realized what was happening?—A. Yes, sir.

Q. You had no idea, until the glass was broken in the door of the wardrobe in your room, that they were firing on your house?—A. Oh, yes; we heard the bullets whizzing around, and the smell of powder was fierce. I knew that the bullets were coming in. I just felt like the next one was going to strike us, and I knew that the bullets were going inside of the house.

Q. Have you any idea why the soldiers fired into your house on that evening?—A. Simply because we happened to be the best target, was more accessible to the post, and our doors were open, and from the street they could see everything that was going on in our house.

Q. Neither you nor your husband nor any of the children had had any trouble with them?—A. No; never. The soldiers would often give my children bait when they would go fishing, and were very friendly. They never molested us and we saw very little of them; it was simply that we afforded them a good target that they shot at our house. We had just been home twelve days from San Antonio.

Q. Have you stated all that you know, of your own knowledge, with reference to what took place here in your house on the evening of the 13th of August, 1906?—A. Yes, sir. I was in my full senses and knew just what happened.

Mrs. ANNA ADRIENNE COWEN.

THE STATE OF TEXAS, County of Cameron, ss:

Mrs. Anna Adrienne Cowen, being first duly sworn, deposes and says that she has read the foregoing testimony by her subscribed, and that the same is true of her own knowledge, except as to those matters therein stated upon information and belief, and that as to those matters she believes them to be true.

Mrs. ANNA ADRIENNE COWEN.

Subscribed and sworn to before me this 29th day of December, 1906.

[SEAL.]

LOUIS KOWALSKI,

Clerk District Court, Cameron County, Tex.

Gertrude Cowen (daughter of Mr. and Mrs. Cowen) was first duly sworn by Maj. A. P. Blocksom, and, upon being examined by Mr. Purdy, testified as follows:

Q. Your name is Gertrude Cowen?—A. Yes, sir.

Q. How old are you?—A. Seventeen.

Q. You were at your home on the night of the 13th of August, 1906?—A. Yes, sir.

Q. Now, will you go on and state, in your own words, all that you know about the shooting that took place here in the vicinity of your home on that night?—A. I was sitting in the dining room when the firing began.

Q. Where was the firing located?—A. It sounded like it was inside the garrison; it was very fast. The servant girl closed the dining-room door and we ran around in the house, and the firing still sounded like it was in the alley; and then mamma told us to get under the bed and to pray to God to save us.

Q. So all you children got under the bed?—A. Yes, sir.

Q. Now, you heard shooting in the alley here to the east of your house?—A. Yes, sir.

Q. A number of shots?—A. Yes, sir. We could not count them, there were so many.

Q. And you did not attempt to count them, of course?—A. No, sir.

Q. Gertrude, did you see the glass taken out of the wardrobe door this morning in the northwest room?—A. Yes, sir.

Q. What was found in back of the glass—between the glass and the wood?—A. That bullet that you have in your hand, marked with a star on the rear end of it.

Q. Who else was present at the time this bullet was found?—A. Eva, Major Blocksom, and papa.

GERTRUDE COWEN.

THE STATE OF TEXAS, County of Cameron, ss:

Gertrude Cowen, being first duly sworn, deposes and says that she has read the foregoing testimony by her subscribed, and that the same is true of her own knowledge, except as to those matters therein stated upon information and belief, and that as to those matters she believes them to be true.

GERTRUDE COWEN.

Subscribed and sworn to before me this 29th day of December, 1906.

[SEAL.]

LOUIS KOWALSKI,

Clerk District Court, Cameron County, Tex.

Louis Harold Cowen (son of Mr. and Mrs. Cowen) was first duly sworn by Maj. A. P. Blocksom, and, upon being examined by Mr. Purdy, testified as follows:

Q. What is your name?—A. Louis Harold Cowen.

Q. You are the son of Mr. and Mrs. Cowen?—A. Yes, sir.

Q. How old are you, Harold?—A. Eighteen.

Q. You were at your home on the night of the 13th of August?—A. Yes, sir.

Q. And you were just recovering from an attack of typhoid fever at that time?—A. Yes, sir.

Q. You had been at the party that evening?—A. Yes, sir.

Q. Did you hear any shooting that night?—A. Yes, sir.

Q. Where were you when the shooting first commenced?—A. In my room, which is the southeast room in the house.

Q. From which direction was the shooting?—A. It seemed to me like it was by the alley over toward the barracks.

Q. About how many shots did you hear fired?—A. I did not count them; there were a good many. They were shooting one right after the other in rapid succession.

Q. What were you doing at the time?—A. I was sitting down undressing when I first heard the shooting.

Q. What did you do then?—A. I went to the dining-room window and started to look out, but mama said for me not to and I didn't. When I heard that the shooting was coming nearer I came to the dining-room door.

Q. When the shooting kept coming nearer you went into the front room?—A. Yes, sir.

Q. And from there to the northwest room, your mother's room, and laid on the floor?—A. Yes, sir.

Q. Where was the shooting going on about that time?—A. They were shooting by Mr. Yturria's house in the alley, at the rear of our house, and each shot seemed to come nearer.

Q. And you were afraid that they might shoot into your house?—A. Yes, sir.

Q. Did you hear any shooting after the parties got up to the east of your house, in the alley?—A. Yes, sir.

Q. About how many shots did you hear from them?—A. I don't know, exactly; I guess about thirty.

Q. Did you know that your house was being shot into then?—A. No; I didn't have much idea what was being shot into.

Q. Where did the shooting appear to proceed to from there?—A. It seemed to me like I could hear one or two shots in front of our house, at the corner. The one that came from the corner was the one that went into mama's bedroom and broke the glass in the wardrobe door, I think.

Q. Then, after the shooting was over, where did you go?—A. Over to Mrs. Leahy's hotel, partly undressed—all of us went over—and stayed all night.

Q. Now, you have examined the bullet holes through these rear rooms, can you state, approximately, how many bullets entered the house?—A. About ten, that I could count.

Q. And those bullets have apparently gone through every room except the parlor?—A. Yes, sir.

Q. How many rooms in the house were shot into?—A. Five.

Q. About what distance (height) from the floor did these bullets apparently go?—A. They were from about 3 feet to 5 feet high.

Q. How many persons were in the house when this shooting occurred?—A. Six of the family and the servant girl.

Q. You have stated all that you know, Harold, with reference to what took place on that night?—A. Yes.

Q. You, of course, were all very much frightened at the time the shooting started; and was your father away at the time?—A. Yes; uptown.

LOUIS H. COWEN.

THE STATE OF TEXAS, County of Cameron, ss:

Louis Harold Cowen, being first duly sworn, deposes and says that he has read the foregoing testimony by him subscribed, and that the same is true of his own knowledge, except as to those matters therein stated upon information and belief, and that as to those matters he believes them to be true.

LOUIS H. COWEN.

Subscribed and sworn to before me this 29th day of December, 1906.

[SEAL.]

LOUIS KOWALSKI,

Clerk District Court, Cameron County, Tex.

Mrs. Katie Emma Leahy was first duly sworn by Maj. A. P. Blocksom, and, upon being examined by Mr. Purdy, testified as follows:

Q. What is your full name?—A. Katie Emma Leahy.

Q. And you reside in the city of Brownsville?—A. Yes, sir.

Q. How long have you lived here?—A. I have lived here since January, 1870.

Q. When were you married?—A. I was married in 1886.

Q. Who was your husband?—A. Michael Leahy.

Q. Was he a soldier?—A. Yes, sir.

Q. What regiment?—A. I believe it was the Eighth United States Cavalry.

Q. Was your husband in business here after he left the Army?—A. Yes; he ran a saloon.

Q. You have charge of a hotel here, do you not?—A. Yes, sir; I have been in that business about a year and nine months.

Q. Your hotel is located at the corner of Elizabeth and Fourteenth streets?—A. Yes, sir.

Q. And the rear of your hotel abuts on the alley between Elizabeth and Washington streets?—A. Yes, sir.

Q. And is directly opposite Mr. Cowen's house on Fourteenth street?—A. Yes.

Q. Were you in Brownsville on the night of the 13th of August, 1906?—A. Yes, sir.

Q. Do you remember the shooting that occurred in this city on that night?—A. Yes, sir; it is something never to be forgotten.

Q. Where were you at the time the shooting first began?—A. In my bedroom.

Q. And where is that located?—A. In the rear of my hotel, not very far from the alley, but facing on the yard.

Q. Do you know what time it was when you first heard the firing on that night?—A. Yes; it was five minutes of 12 by my clock.

Q. You had retired at that time?—A. No; I had just wound my clock when the shooting began, and I left my room and ran up to that window [indicating; the house referred to was just across the street from where testimony was being taken], and saw four of the shots as they were fired. They shot nine—I counted them—and then thirteen, and then a volley, and I went downstairs again and told my sister not to let the children get out of bed, and then walked out on the front street to see where the firing was. I knew the negroes were shooting bullets—I walked out on Elizabeth street and they flew around me. I went back upstairs and stayed in that window [indicating] and saw them shoot.

Q. That was the window of the room where Judge Park was?—A. No; this was a separate room. When I went upstairs, he had not gotten up. I went back upstairs and hollered to him that the negroes were shooting up the town. Then he got up and went to his window, and so did Mr. Elkins. There were three windows facing on Fourteenth street.

Q. In whose room was the window in your hotel nearest the alley, facing on Fourteenth street?—A. Mr. Elkins's.

Q. The second window from the alley was in whose room?—A. Judge Park's.

Q. And the third window from the alley was in a vacant room?—A. Yes.

Q. That is the window you went to and looked out in the first instance?—A. Yes.

Q. And the second time you went back upstairs did you go to the same window?—A. Yes; to the same window, and saw the soldiers shooting from the galleries of the barracks. I had a clear view from the window of two-thirds of the quarters—the second barracks. I don't know what company was in there. I stood there watching them for some minutes shooting, and saw them move back and forth; saw the flash of the guns from the barrels, and heard two distinct voices, which I believe was the voice of officers. One said: "Cease firing;" the other, "Stop shooting."

Q. How long was this after the first firing you heard when you were in your bedroom?—A. Ten minutes afterwards, at least; it could not have been less.

Q. Did you hear any firing up the alley near the rear of your hotel?—A. I saw them firing at the Cowen house; that is, at the corner of Fourteenth street and the alley, but I did not know they were shooting at the Cowen house; I could only see the flash of the guns. I could not see them; this is the alley east of Mr. Cowen's house. I could not see the men then; all I could see was the flashes of the guns.

Q. Did you see any men come out of the alley?—A. I saw them stop at that tree [indicating] and fire one volley, and then stopped in the middle of the street and fire another, and then another—three volleys in the middle of the alley. There was a mudhole there and they went around it.

Q. When the men crossed from the entrance of the alley by Mr. Cowen's house, across Fourteenth street, could you see them at that time?—A. Yes.

Q. How were they dressed?—A. In khaki uniforms; some with blue shirts on and the others had the whole yellow uniforms. I counted six and then ten; there was a distance of about 6 feet from the six to the ten. I could see the blue barrels of the guns, and they looked about 2½ feet long. I could see distinctly that they were negro men dressed in the uniform of soldiers.

Q. Now, after the shooting took place there in the alley by Mr. Cowen's house and in front of his house, did you hear any firing up the alley toward town?—A. They held up and stopped in the middle of the street; one mumbled and the other spoke out very clear and distinct and said: "Keep ahead and shoot to the front."

Q. Who was at the window there at that time?—A. Mr. Elkins, Judge Park, and myself. Judge Park could not recognize them because he did not have his glasses on.

Q. Judge Park has since died, has he not?—A. Yes, sir; died about two weeks after this occurred.

Q. After they left your side there in front of Mr. Cowen's house and to the rear of your hotel, did you hear any firing then up the alley?—A. When I ran over for Mr. Cowen's family the men were shooting up the alley; not as far up, though, as the Miller Hotel.

Q. You came down after you saw them go into the alley and went across to Mr. Cowen's house and brought Mrs. Cowen and her family over to your hotel?—A. Yes, sir.

Q. During this time was there any firing still going on over toward the barracks?—A. Not after the men left the barracks, no; not that I could hear.

Q. How many of the men did you see come back?—A. Six.

Q. Where did you see them?—A. Running down the same alley in the direction of the barracks.

Q. And they were dressed in the same way?—A. I could not see them then.

Q. Then you could only see them in the first instance by the flash of their guns?—A. Yes, sir; there were three volleys of shot, which gave me a very clear and distinct view of them. Otherwise I could not have recognized them.

Q. From your position in the window when they came back, as there was no shooting then, you could not tell whether they were soldiers, but you imagined they were the same parties?—A. Yes; after those men went back, those six that I could see ran; when they were going they were in a half-stooping position.

Q. You could see their position?—A. Yes, sir. When they came back they were standing straight and running very fast, but going down they were not running very fast.

Q. When they were coming back you could only see the objects, but could not tell whether or not they had on khaki uniforms?—A. No; but I could see that they had something across their shoulders. It was dark.

Q. Now, Mrs. Leahy, did any police officers come down to your house that evening?—A. Yes; two police came by and asked where the fire was. I said: "It is not a fire; the negroes are shooting up the town." I asked them to jump inside the gate, and I put them in a room.

Q. Where were you?—A. I was in the window.

Q. Where were the policemen when they asked where the fire was?—A. On the Fourteenth street sidewalk.

Q. At that time the soldiers had not come into view by the alley from the Cowen house?—A. No; not then.

Q. And you were watching from the window in the direction of the barracks?—A. Yes, sir.

Q. The fire, then, was over in the barracks?—A. No; it was over the wall; that's why I put the police in my house.

Q. Did you call to the police to come inside of your house?—A. Yes.

Q. Who were these two officers?—A. I could not give you their names. My sister knows them. I don't know any except—

Q. How long did they remain in your house that night?—A. Oh, about two hours—well, so long that I forgot all about them being there. Mr. Park said afterwards that two policemen were missing and they thought they must have been killed as they could not be found.

Q. After you called to these policemen to come into your house did you go downstairs?—A. Yes; I went down and put them into a room and then went back up to the window.

Q. And that is the time you saw the shooting toward the Cowen house?—A. Yes, sir.

Q. Now, after the firing had all ceased, do you remember the incident of the squad of soldiers coming out from the fort and going up town?—A. Yes; I was out there [indicating]; I did not see them when they went out after the shooting. I went downstairs and walked out to the side gate and said: "There's the squad of soldiers coming back." There was an officer with them, but I did not recognize him. I saw Dr. Joe and Fred Combe, but as they passed me they looked at me very savagely and remarked: "We will wipe out of the town every white man before we are through with it." I was standing at the gate, and they came right between the tree there [indicating] and me.

Q. Do you know whether they could see you at the time?—A. Yes; certainly. I had a lantern, and they could see me just as plainly as you see me now.

Q. Was the squad at that time halted in front of your house?—A. No; they were going by. I saw no officers, but was told afterwards that there was an officer with them.

Q. You have stated, in substance, all that you saw or heard there on that night, have you? And you can't think of anything else that would be material or would throw any light on this difficulty?—A. No; that is what I saw the night of the shooting. It lasted twenty-five minutes, to my knowledge, and if there was one shot there were five hundred. My house was shot into, but I think by stray bullets.

Q. In what portion?—A. In the back part of the kitchen.

Q. Lower or upper?—A. About midway.

Q. You had never had any difficulty of any kind with the troops that were stationed here?—A. No, sir; I never had.

Q. Did you hear the bugle call?—A. Yes; but I did not know what it was.

Q. Then you do not know when it was, with reference to the firing?—A. Yes; it was quite a little while after I heard the men cease firing.

Q. The bugle call was before these men went up the alley?—A. Yes; before or just about the time the men went up the alley I heard the bugle call.

Q. That was over in the barracks?—A. Yes; it sounded like it was facing the parade ground. After that I could hear the men and see them running up and down the porches—the galleries of the barracks.

Q. There were lights in the windows of the barracks?—A. Yes, sir.

KATIE E. LEAHY.

THE STATE OF TEXAS, County of Cameron, ss:

Mrs. Katie Emma Leahy, being first duly sworn, deposes and says that she has read the foregoing testimony by her subscribed, and that the same is true of her own knowledge, except as to those matters therein stated upon information and belief, and that as to those matters she believes them to be true.

KATIE E. LEAHY.

Subscribed and sworn to before me this 28th day of December, 1906.

[SEAL.] LOUIS KOWALSKI,

Clerk District Court, Cameron County, Tex.

Mrs. Eleanor Parks, was first duly sworn by Maj. A. P. Blocksom, and, upon being examined by Mr. Purdy, testified as follows:

Q. What is your full name?—A. Mrs. Eleanor Parks.

Q. Mrs. Parks, you live in the city of San Antonio?—A. Yes, sir.

Q. And your husband was Judge Parks, of Brownsville?—A. Yes, sir.

Q. How long is it since you, your husband, and family lived in Brownsville?—A. It has been four years last August.

Q. How long did you live in Brownsville before coming to San Antonio?—A. Six years.

Q. What was your husband's business?—A. A lawyer and attorney.

Q. And where did he practice law?—A. He practiced law, I might say, all over the State of Texas.

Q. And was engaged in the practice of law how long?—A. About twenty-five years.

Q. Was your husband, Judge Parks, in Brownsville on the night of the 13th of August, 1906?—A. Yes, sir.

Q. I presume he was there on professional business?—A. Yes, sir. He had just returned to Brownsville from San Antonio.

Q. Did you, Mrs. Parks, shortly after the shooting affray in Brownsville on the night of the 13th of August, 1906, receive a letter from your husband relative to that shooting?—A. Yes, sir.

Q. Is that the letter which you have just shown to me?—A. Yes, sir. The letter is as follows:

[Office of W. N. Parks, attorney at law, federal equity practice a specialty. Practice in all courts, State and Federal.]

BROWNSVILLE, TEX., August 15, 1906.

DEAR MAMA: I did not write you yesterday, because that was no time to do so. The entire city is up in arms. I suppose you have seen in the papers what the negro soldiers did. Night before last, between 11 p. m. and 12, the negroes came out of the garrison in great force and began a bombardment of the town. It was a terrible affair. They fired several hundred shots along the streets near the garrison line into the houses and everywhere else, utterly regardless of the families in the houses; then they came on up the alley between Mrs. Louis Cowan's house and the Yturria place where we lived; between these two houses they halted and shot about a dozen or more shots through Louis Cowan's house, shattering the large mirror in her wardrobe, and also shot a chiffonier all to pieces in another room, and still in another room shot another wardrobe or piece of furniture to pieces, and even shot the lamp chimney off the lamp and put the lamp out, and many other shots were fired through the house. It was a miracle

that the children and Mrs. Cowan were not killed; but while they were shooting near the garrison and coming up the alley, Mrs. Cowan hid the children under the beds, having them lay flat down, and she also crouched flat down on the floor; this is all that saved them.

I was in my room at the Leahy Hotel—the first room on the left as you go up the stairway—and from the window saw the whole thing, but could not tell they were shooting in the house, and I had no arms whatever to do anything with, and if I had done anything they would have stormed the hotel and killed everyone in it. They then marched on up the alley, shooting at everything in sight, until they got to the Miller Hotel, which they proceeded to bombard in great shape, shooting at every window where a light was visible. But I forgot to say that before they left the corner of Mrs. Cowen's place, they fired a couple of shots into the Leahy Hotel, but they did not go through the brick walls. At the bombardment of the Miller Hotel the police attempted to attack them, but the brave and valiant (?) Brownsville police were put to flight in a very few seconds, and the lieutenant of police Joseph Dominguez, the same man who was shot by Baker, the soldier I defended and cleared a couple of years ago, had his horse killed under him and his right hand shot all to pieces, and which necessitated amputation of the hand and part of the arm; then they went on up the alley, and in the old Jagou place, where a saloon is kept, they fired in from the alley and killed the barkeeper, a very good young man named Frank Natus; they proceeded around on Elizabeth street and shot up all the houses; in another part of the town, around near old lady Sauder's store, in one of her neat cottages, where Fred Starck lived, they fired eight shots through the bedrooms, but Mrs. Starck had had all of the children to lie down on the floor, and were thus saved. Many other residences were shot into, among them old man Randall's, one shot passing just over him as he laid in bed. It was a fearful night, no one expecting such a thing, and no one being prepared to meet the occasion. When they got tired, they returned to the garrison. Yesterday we had a mass meeting of the people, and some steps were taken to investigate the matter and arrange some sort of defense, but practically nothing was done.

I am of opinion that there is great danger of another and far worse outbreak. The negroes were mad because they were not allowed to drink at saloons beside the white people. Several of them had been knocked over the head with pistols by some of the valiant (?) people for very trivial cause.

If another outbreak is made the results will be very serious indeed. Well, dear, there is nothing to write. So with much love and kisses for you and the children, I am,

Lovingly,

PAPA.

Q. Mrs. Parks, did you receive this letter a few days after the date which it bears, viz, the 15th of August?—A. Yes, sir; I think I have the envelope with the postmark.

Q. And you were here at your home in San Antonio at that time?—A. Yes, sir.

Q. Your husband is not living at the present time?—A. No, sir.

Q. How long after the 13th of August did he die?—A. He died on the 30th of August.

Q. Here in San Antonio?—A. No, sir; in Brownsville.

Q. Did you receive any other letters from your husband, Judge Parks, giving an account of what took place on that night?—A. Yes, sir; I received three very lengthy letters.

Q. What has become of those letters?—A. I destroyed them as I read them.

Q. And this is the only letter which you have from him since this occurrence at Brownsville on the 13th of August in which he gave you an account of what took place on that night?—A. Yes, sir.

Q. I notice that this letter is signed "Papa." Will you state whether or not that is the writing of your husband, Judge Parks?—A. Yes, sir.

Q. I presume, Mrs. Parks, that this being the last letter which you have from your husband you would like to have it returned to you at No. 101 Woodlawn avenue, San Antonio, Tex., when the Government has no longer any use for it?—A. Yes, sir.

MRS. ELEANOR PARKS.

THE STATE OF TEXAS, County of Bexar:

Mrs. Eleanor Parks, being first duly sworn, deposes and says that she has read the foregoing testimony by her subscribed, and that the same is true of her own knowledge, except as to those matters therein stated upon information and belief, and that as to those matters she believes them to be correct.

MRS. ELEANOR PARKS.

Subscribed and sworn to before me this 6th day of January, 1907.

[SEAL.]

D. H. HART,

Clerk United States District Court Western District of Texas.

By A. I. CAMPBELL,

Deputy.

Mr. Hale Odin was first duly sworn by Mr. Purdy, and, upon being afterwards examined by him, testified as follows:

Q. Mr. Odin, what is your business?—A. Land and immigration.

Q. And how long have you been in that business?—A. Thirty-one years.

Q. What is your age?—A. Fifty-four.

Q. To what parts of the United States does your business call you?—A. To all parts.

Q. What place do you regard as your home?—A. San Antonio, Tex.

Q. How long have you lived here in this vicinity?—A. About twenty years.

Q. Where were you born?—A. In Detroit, Mich., but came to Dallas, Tex., with my parents while an infant. Graduated at Ann Arbor in the class of '72.

Q. You are a married man?—A. Yes, sir.

Q. What family have you?—A. A wife and five children.

Q. They live with you, do they?—A. Yes, sir; all except one.

Q. Were you in Brownsville, Tex., on the night of August 13, 1906?—A. Yes, sir.

Q. How long had you been there on that visit?—A. Six weeks.

Q. What members of your family accompanied you to Brownsville?—A. My wife and five children.

Q. I presume your business required you before that time to make frequent visits to Brownsville?—A. Yes, sir.

Q. Are you well acquainted with the people in Brownsville generally?—A. Yes, sir; very well.

Q. When you visited Brownsville on that occasion where did you stop?—A. At the Miller Hotel.

Q. Mr. Odin, I will show you this plat (Exhibit A), and ask you to locate your room in the Miller Hotel (which is No. 5 on the plat).—A. It was the room cornering on the alley and Thirteenth street, second floor.

Q. How large is that room?—A. About 20 feet square.

Q. What windows has it in it?—A. Two windows opening on the alley and two opening on Thirteenth street.

Q. Were you in that room with your wife on the 13th of August, 1906?—A. Yes, sir.

Q. And what other members of your family were with you?—A. My five children.

Q. Were they all in that room?—A. Yes, sir.

Q. Now, Mr. Odin, will you proceed to state, in your own words, just what you know about the shooting which occurred on that night in the city of Brownsville?—A. At 11.55 p. m. on the night of the 13th of August, 1906, I was sitting in the alley window of our room in the Miller Hotel, on the second floor, when I heard shots in the direction of the alley toward the fort. I noted the time—it was 5 minutes of 12, and I counted about 60 shots before they arrived at our windows. During this time I called my wife, and immediately after she and my little boy came to the window we heard persons upon the run coming toward us in the alley from the direction of Fort Brown, and when they passed our windows I counted six negro soldiers, three abreast in two columns, with one soldier running alongside, who stopped, crossed the alley opposite our windows, and one large negro soldier gave the order "Halt!" and said "There he goes; shoot!" and they fired a volley. Immediately one other negro soldier joined them from the same direction from which the other seven had come. Then there were four more negro soldiers followed and joined the other eight, these four coming also from the direction of Fort Brown through the alley. Before the first soldiers arrived I noticed a large black dog running through the alley ahead of the soldiers, and supposed that it was a mad dog that they were chasing and shooting at. Then a second order was given to fire and they fired again to the left or toward the river. Then one large negro soldier stepped back to the center of the alley, slightly in the rear of the other eleven, and raised his gun, and at this time another volley was fired. Immediately following this report the large negro with freckled face fired point-blank at us—Mrs. Odin and my son Lee and myself in the window. The ball from his rifle passed through the lower window sash and up into the ceiling in our room and the jacket of the bullet fell back on the floor. I picked it up the next morning and later forwarded it to the Secretary of War. We had a lamp in the room burning, but turned partly down. From the flashes of their guns we could see the soldiers distinctly and I discerned their uniforms and dress and the color of their faces and could hear the voices as the command to fire and other remarks were made. Seven of these soldiers had on their usual dark-brown uniforms; four were without jackets and one without a hat—was bareheaded. They all carried rifles and one carried a revolver—possibly two. The one that gave the order carried a revolver. When the two volleys were fired the large negro soldier, who gave the order, said "We got that white son of a b—," and immediately after the shot that was fired into our window the other negro, who fired the shot at us, said "We got another white bastard." This was immediately following this shot directed at us when our little son fell back upon the floor as if shot, and we picked him up.

Q. What did you do then, Mr. Odin?—A. We heard a heavy fall as of a horse or some animal and a groan, which sounded like the groan of a dying horse. Then we heard a scream from a man and immediately following this we heard somebody running northward up the street that faces the Miller Hotel, which is Elizabeth street. Then an order was given to "shoot this way," and a volley was fired to the right on Thirteenth street. Then they crossed Thirteenth street, nearly to the opposite side, and fired a volley into the Miller Hotel from Thirteenth street.

Q. Where were you and your wife standing at that time?—A. I was standing at the window looking out on Thirteenth street.

Q. You had left the window facing on the alley?—A. Yes, sir; had just stepped across the room.

Q. Who, if anyone, was with you at the window?—A. Mrs. Odin.

Q. And where did you see these men at that time—where were they standing?—A. They were nearly to the alley on Thirteenth street—on the north side of Thirteenth street.

Q. About how many men did you see there?—A. Twelve men.

Q. Did you at that time stop to count them or was your estimation just made from the general appearance?—A. I saw them all pass over and I counted them and said to my wife, "There are just twelve of them."

Q. Now, you may go on and state what happened then.—A. After firing at the Miller Hotel they passed northward up the alley—a part of them at least.

Q. Did you see any go east on Thirteenth street?—A. No, sir; but of course some may have gone east on Thirteenth street without my having seen them.

Q. Where did you hear firing then?—A. In about two minutes after they passed northward up the alley I counted five more shots, and in about two minutes thereafter twelve negroes—negro soldiers—appeared again going toward Fort Brown, and crossed Thirteenth street and entered the alley at the rear of the Miller Hotel.

Q. Going in what direction?—A. Going toward Fort Brown on double-quick and passed out of sight.

Q. Did you hear any more shooting after that?—A. I did not.

Q. So the last shooting you heard was up the alley, on the north side of Thirteenth street?—A. Yes, sir.

Q. Now, when these soldiers were in Thirteenth street at the mouth of the alley, at the time they were doing the shooting into the Miller Hotel, could you see how they were dressed?—A. Yes, sir; they were dressed in brown uniforms and a broad-brimmed soft hat, such as the soldiers wear.

Q. Now, Mr. Odin, at the time they were in Thirteenth street there, could you distinguish the kind of dress that they had on at any time other than when they were firing?—A. I could when they were in Thirteenth street, but I could not when they got into the alley.

Q. Then when they were in the alley, either to the north or to the south of Thirteenth street, you could not distinguish the way in which they were dressed, except by the flashes of their guns?—A. We could tell them when they were at the rear of the Miller Hotel when they were not firing.

Q. But when they were across the street, to the north of Thirteenth street, you could not tell them except for the flashes of their guns, or how they were dressed?—A. No, sir.

Q. Will you describe as nearly as you can the light, if any, that seemed to be upon these men during the firing that night in Thirteenth street, out of the alley?—A. The lights from the street lamps from Elizabeth and Washington streets gave us plenty of light to distinguish them plainly, and their dress, and to tell distinctly that they were negroes.

Q. Did you have any difficulty at the time, Mr. Odin, in seeing the

faces of these men?—A. No, sir; for they were at times looking up directly toward the window.

Q. And you state positively that they were negroes?—A. Yes, sir. Q. And dressed in the uniform of United States soldiers such as were stationed at Fort Brown at that time?—A. Yes, sir.

Q. Now, Mr. Odin, will you state as to the character of the voices of these men who spoke during the shooting?—A. They spoke in the manner and vernacular of the negroes. If I had not seen them by the flashes from their guns, I would have known by their voices that they were negroes by the manner of their speech and accent.

Q. Now, you state that you were sitting in one of the windows facing on the alley in the rear of the Miller Hotel, on the second floor, when you first heard shots that night?—A. Yes, sir.

Q. In what direction were those first shots that you heard?—A. Down the alley, toward Fort Brown.

Q. And from the time you heard those first shots until the time you heard the last shots to the north of Thirteenth street, in the alley, about how many minutes elapsed?—A. About twelve minutes.

Q. Did you, Mr. Odin, see the Lieutenant of police, Dominguez, on that night?—A. No, sir.

Q. Did you hear a horse going by on Thirteenth street in the direction of Elizabeth street?—A. Yes, sir.

Q. How long was that before you heard firing or saw them firing in the alley at the rear of the Miller Hotel?—A. About a half minute.

Q. Did you see any person on Thirteenth street during the time of this firing other than these colored soldiers?—A. No, sir.

Q. Mr. Tillman has stated that he passed along Thirteenth street, going toward Washington street from Elizabeth, a short time before the firing occurred in the vicinity of the Miller Hotel. Did you see or hear him?—A. I heard some one person pass up Thirteenth street.

Q. But you did not see him?—A. No, sir.

Q. That was before the firing had approached the alley toward the Miller Hotel?—A. Yes, sir.

Q. I will ask you, Mr. Odin, whether you know where Mr. Starck's house is located that was fired into that night?—A. No, sir.

Q. I will show you this plat (Exhibit A) and point out to you the location of Mr. Starck's house (which is No. 6 on this plat) on Washington street between Twelfth and Thirteenth streets, and ask you whether you heard any firing in that direction on that night?—A. I did not.

Q. After these men passed across Thirteenth street, going north in the alley, you heard some firing in the direction in which they had gone, did you not?—A. Yes, sir.

Q. About how many shots?—A. Five.

Q. Where were you at that time?—A. I was standing at my window facing on Thirteenth street.

Q. Did you remain at your windows during all this time or did you at times go back into the room with your wife and children and then return to the window again?—A. I only left the window once during the time the shooting was going on, and that was during the time they were shooting north of us up the alley and while the soldiers were out of my sight.

Q. When your little boy fell back into the room, what did you do then?—A. My wife said, "They have shot Lee," and I said, "I reckon not; see if there is any blood on him," and he said, "Mamma, I am not shot, but they came pretty near me." I was standing at the north window at the time.

Q. Where were your other children during this time, Mr. Odin?—A. They were in bed, except our little girl, who was standing by our side.

Q. Was she with you while the firing was going on in the alley at the rear of the hotel?—A. Yes; standing behind us.

Q. How old is she?—A. Three years old.

Q. Your other children were in bed, were they?—A. Yes, sir.

Q. Do you know whether they were asleep or not?—A. They were all awake, except the older one.

Q. How old is he?—A. Eleven years.

Q. He did not awaken during all the firing?—A. No, sir.

Q. Mr. Odin, as you sat at the window on the night of the 13th of August about 12 o'clock and heard the shooting down in the vicinity of Fort Brown and farther down the alley in the direction of the fort, did you anticipate at that time that there was any trouble or that the soldiers were shooting into the houses in the city of Brownsville?—A. No, sir.

Q. After the soldiers reached the rear of the Miller Hotel did you anticipate that there was any trouble of any kind?—A. No, sir; not until they shot at the policeman.

Q. And then, for the first time, you appreciated the fact that there was serious trouble?—A. Yes, sir.

Q. How long after that was it that the shot was fired into your room facing on the alley?—A. Immediately after that.

Q. From the time when you heard the first shots until you heard the last ones that night was there anyone in your room other than the members of your family?—A. Yes; Mr. Davis, the hotel clerk.

Q. About what time did he come into your room during that shooting?—A. He came into our room during the time that the soldiers were up the alley at the rear of Tillman's saloon.

Q. Was he the only one in your room during the shooting?—A. Yes, sir.

Q. So during the time that the soldiers disappeared up the alley going north nobody had been in your room except the members of your family?—A. No, sir.

Q. And during that whole shooting did you or Mrs. Odin or any of your children leave your room?—A. No, sir.

Q. What light was there in your room that night when the shooting commenced?—A. A small oil lamp, turned partly down.

Q. Was the light turned down before any shooting commenced at all?—A. Yes, sir.

Q. During the progress of the shooting was the light interfered with in any way by either you or your wife?—A. No, sir.

Q. It was left in the same condition as when the shooting began?—A. When they left the alley going north my wife blew out the light.

Q. Mr. Odin, from the time that the men appeared there at the rear of the alley until they disappeared in the alley across the street, and during the whole of that shooting, both into your room and at the officer going down the street, and the different volleys that you have spoken about, about how long a period of time elapsed, in your judgment?—A. About one and one-half minutes, more or less, I should judge.

Q. I will ask you, from the direction of that shot which entered your room, where it must have been fired from?—A. From about the center of the alley at the rear of the Miller Hotel.

Q. Did you go into the room on the third floor immediately over your room that next morning?—A. No, sir.

Q. You don't know, then, what became of that shot that went into the ceiling of your room?—A. No, sir.

Q. How long after this occurred, on the night of the 13th of August, was it before you and your wife and family left Brownsville?—A. We left on the following morning, the 14th of August.

Q. Where did you go from there?—A. To Corpus Christi and San Antonio.

Q. Have you been back to Brownsville since that time?—A. No, sir.

Q. Will you describe more particularly the condition of the window sash, the window out of which you were looking at the time the shot was fired on that night apparently at you and your wife?—A. The lower sash of the window was raised to the height of our heads, and we were looking out with the top of our heads underneath the sash, and there was a wire screen in the lower half of the window. I was at the left side of the window, Mrs. Odin next to me on the right with her head close to mine, and our little boy at her side, with his face against the window screen. The ball entered the screen, then went through the sash, passed through it diagonally, and then went into the ceiling at about 4 feet from the rear of the room. Just before this shot was fired, the little boy raised up and said, "Mamma, what is going on?" I said, "They are shooting the mad dog," and then the shot was fired into our window.

Q. At the time this was fired into your window, will you state more particularly what you saw and heard in the alley?—A. Immediately before this shot was fired into our window, the other soldiers fired a volley apparently down Thirteenth street to the left, and almost instantly the man who fired at us raised his gun and shot into our window and the flash from the other soldiers' guns revealed his face plainly, looking up and shooting at us, and he exclaimed, "We got another white bastard."

Q. Now, Mr. Odin, I will ask you about the distance from your window to the man who fired the shot at you?—A. I should say from the end of his gun to our faces it was about 12 feet.

Q. Do you recall anything else that happened there that night, concerning which I have not interrogated you, and about which you care to make a further statement?—A. No, sir.

Q. Were you before the grand jury or the citizens' committee that investigated this affair?—A. No, sir.

Q. Have you made any written or sworn statement to anyone other than the statement you make here to-day?—A. No, sir; I have not.

Q. Now, Mr. Odin, you have testified as to what you saw and heard there that night; I will ask you whether there has ever been any doubt in your mind as to whether those men were negro soldiers?—A. Not the least.

Q. You stated in the former part of your testimony that there were twelve negro soldiers in the rear of the Miller Hotel, and that you saw them and counted them. Will you explain how you happened to count them there that night?—A. Because the first six came up three abreast in two columns, with another negro at their side, making seven. They stopped at the mouth of the alley and then one by himself followed behind on the run as the other ones ahead, and directly four more came up two abreast on double-quick or on the run; that made twelve.

Q. So, Mr. Odin, from the arrangement in which these men came up the alley you were at once enabled to make a calculation as to how many men there were there?—A. Yes, sir.

Q. They were not all huddled together in a bunch or crowd?—A. No, sir.

Q. Now you have stated that when the men came back after the firing had ceased up in the rear of Tillman's saloon that there were twelve of them, and that you saw them out of your window which opens out onto Thirteenth street. I will ask you how you made that estimate as to the number?—A. Because they came three abreast in three columns and two abreast following behind, and one nearly at the front at the side. The three in front stopped about 10 or 12 feet from the mouth of the alley or in the street, by an order to halt. The next three were close behind them, also the next three, and also the remaining two, and the single one was nearly at the front of the first row of three. Then the second row filed up in line with the first, and the remaining six separated about 10 feet from them to the west, and they stopped in the same order, and they came down the alley. Then some order was given (I could not hear that distinctly), and they formed a line of six about 10 feet apart, and remained about six or eight seconds, apparently looking up and down Thirteenth street. Then they formed in columns of three again, and an order of march was given, and they passed toward the fort, across the street and down the alley on the opposite side from our window, and disappeared.

Q. How were they marching—running or walking?—A. They were on the double-quick; they started on the double-quick. But about the time they entered the alley they were running very fast.

Q. Could you tell whether or not at that time they broke their formation?—A. Yes; I could see them as they passed along; they were in file as they passed out of sight.

Q. But at that time you state that they were running?—A. Yes, sir; and I heard them running after that.

Q. Did you see them enter the alley at the rear of the Miller Hotel?—A. Yes, sir. I went over from the Thirteenth-street window to the rear-alley window and saw them as they passed out of sight.

Q. And how far down the alley were they, about, when you lost sight of them?—A. About 15 or 20 feet down the alley from my window, I should judge.

Q. And that is the last you saw of them?—A. Yes, sir.

Q. Mr. Odin, I will ask you whether you saw any empty shells in the streets of the city of Brownsville the next morning?—A. Yes, sir.

Q. State under what circumstances.—A. I went into the alley about 5 o'clock the next morning and picked up a handful of empty shells. I found these shells all the way from the middle of Thirteenth street and in the mouth of the alley and down the alley at the rear of the hotel and some of them near the mouth of the alley north of the hotel, and soon after this I met a policeman who had several shells in his hands and I gave him part of those I had, and presently (I don't know how long) the mayor and several other citizens assembled, who also picked up a number of shells in the vicinity of the hotel.

Q. What did you do with the shells that you picked up?—A. I gave them to the policeman and to the mayor. I brought five home with me and I gave them to different people. I don't remember to whom I gave them. I gave them all away.

Q. I will show you these empty shells and ball cartridges which were given into my possession by the mayor and sheriff of Cameron County, and ask you whether the ones which you picked up on the morning of the 14th of August in the streets of Brownsville in the vicinity of the Miller Hotel were similar to those?—A. Yes, sir; they appear to me to be the same.

Q. Were you at home at the time that your wife made this statement

to Mr. Stevens, and the clerk here at San Antonio a few weeks ago?—A. No, sir; I was in Nevada, Mo.

Q. Do you think of anything else with reference to which you care to make a statement?—A. I would like to explain that the reason I was so certain about the shooting and the identity of the persons who did it, and about the number of shots fired, is because I have all my life been in a country where there has been a great many town "shoot-ups" (that is what they call them), and been accustomed to hearing shooting in the frontier towns, and on several occasions I have been in towns where there was a good deal of shooting done, that it became almost a habit that I kept pretty correct account of what happened. I was not alarmed or scared. In fact, I did not believe that there was anything serious happening until we heard the policeman's horse fall and immediately saw the negro raise his gun and shoot into our window. Then for the first time I realized it was a town "shoot-up."

HALE ODIN.

THE STATE OF TEXAS, County of Bexar, ss:

Hale Odin, being first duly sworn, deposes and says that he has read the foregoing testimony by him subscribed, and that the same is true of his own knowledge, except as to those matters therein stated upon information and belief, and that as to those matters he believes them to be true.

HALE ODIN.

Subscribed and sworn to before me this 4th day of January, 1907.
[SEAL.] D. H. HART,
Clerk United States Court, Western District of Texas.
By A. I. CAMPBELL, Deputy.

Mrs. Ethel M. Odin was first duly sworn by Maj. A. P. Blocksom, and, upon being examined by Mr. Purdy, testified as follows:

Q. Your name is Ethel M. Odin?—A. Yes, sir.
Q. And you were with your husband and family stopping at the Miller Hotel in the city of Brownsville on the 13th of August, 1906?—A. Yes, sir.

Q. Now, Mrs. Odin, I will ask you to go on and state, in your own words, just what you saw and heard there on that night?—A. About 12 o'clock that night, the 13th of August, I was lying in bed with our little baby just a year old, and he was sick. I was giving him some medicine at the time, when Mr. Odin was standing in the window facing the alley. The shooting commenced down toward the fort, and Mr. Odin called to me to come to the window, and when I went I heard the negroes coming up the alley in our direction. So we stood and looked out and watched them come up, and they commenced firing, and one negro said, "There he goes." First, though, they said, "Halt," then, "There he goes, shoot," and they commenced shooting, and they shot several shots, and directly I heard a horse go down the street toward the river and heard the horse fall, and the man cry out. I could not understand what he said, but directly heard him running up the street—the street in front of the Miller Hotel. They were firing all this time, and one of them exclaimed, "We've got that—of a—." Just then our little boy, sleeping in a bed right by the window, raised up and said, "Mamma, what's going on?" I told him to keep still, and just then one of the soldiers looked up and blazed away at me. Our little boy dropped, as though he was shot, down onto the floor. My little boy was standing on the foot of the bed, which made him almost as high as I was. I was standing at the foot on the floor. I picked him up and laid him back in another bed; went and turned the light down, which was partly down; in fact I guess I blew it out; yes, I blew it out; then went back to the other window facing on the alley. By the flash of their guns I could see all their faces plain, and the color of their clothes, which were soldiers' uniforms. Some of them did not have on their coats. There were four of them that did not have on their coats—just in their shirts, and I think there were two that had revolvers. I know there was one, and when he shot at me he said, "We have another white bastard." Then they started out into the middle of the street, and I walked across to the window on Thirteenth street and stood just far enough back where I could see out of window, and they turned around and shot up in the direction of the hotel. I do not know whether they shot at the hotel or not, but they shot in the direction of it. Then they started up the alley toward Tillman's saloon, and I watched them until they got out of sight. All this time I could see that they were negro soldiers, and were in the uniform of the soldiers; and directly I heard five shots in the direction of the saloon. Then they came running back toward the fort.

Q. Mrs. Odin, I will ask you whether you saw them when they came back toward the fort?—A. Yes, sir.

Q. You may go on and describe just how you happened to see them and about how many there were and what they were doing and where you saw them?—A. When they were on Thirteenth street, the side of the hotel, they were standing still there when they were shooting, and I counted twelve of them, Mr. Odin and myself, and when they came back in the direction of the barracks they were almost on a run. Of course, I did not count them then, but we could see all the time. There was a dim light shining from both lamps at each corner there, so we could see the color of them and their dress. I just saw them when they passed back by there, and that was the last of them; they were not shooting then.

Q. The last shooting that you heard on that night was up in the vicinity of Tillman's saloon, by the alley?—A. Yes, sir; the five shots that were fired last, when the Mexican boy was killed.

Q. Now, will you describe the size of the room which you and your husband occupied that night, and the location of the windows?—A. It was a large room, almost square. It had four beds in it, and four windows, two facing the alley, and two on Thirteenth street. The door to the room was open, with just a screen closed at the time of the shooting, and there was a dim light shining from the hall as well as from our room, and I suppose they could see that light, and they could see figures through the window.

Q. Will you describe more particularly the window in which you and your little boy were standing at the time the man fired at you?—A. The sill was about 3 feet above the floor, and my little boy was standing to the right of the window on the foot of his bed, and the end of the bed stood just about a foot along the side under the window, and I stood to the right of Mr. Odin, and Mr. Odin stood at the left of me on the floor, and I had my head leaning against the sash. The window was up and there was a screen in the window when this negro looked up and shot. He was a speckled-face negro.

Q. How could you tell that this negro that fired at you was a speckled-face negro, as you describe him?—A. Because he held his gun right up this way [pointing], and the flash of his gun was like a fire. You could see the spots on his face. I had never seen him before or since.

Q. About how far were you away from him at the time he fired at you?—A. About 12 feet from the muzzle of the gun he was pointing

at me, I should judge, and he shot right through the screen and through the window sash and through the shade and curtain—a dark-green curtain—and the bullet just passed through my hair, and my face smarted a little bit. I did not light any lamp that night, but looked at myself in the glass the next morning, and my face was powder burned and I used vaseline on it for about a week afterwards. I stood just in the middle of the window and it passed right through the edge of my hair.

Q. Did you see that night or the next morning any marks of that bullet which you said went through your hair?—A. About daylight I got up and went to the window and looked out and saw the hole in the window, through the screen and shade, and looked up at the ceiling and saw a piece of plastering was torn off, just directly over the dresser. The jacket fell back into the room, and I picked up the jacket and gave it to my husband, and I understand he sent it to the Secretary of War.

Q. Did you hear any of these men talking in the alley at the time they were doing this shooting?—A. Yes, sir; they kept saying "There he goes, shoot," and we supposed at the time he was shooting at a dog.

Q. That was about the first conversation you heard?—A. Yes, sir.

Q. After that, what other conversation did you hear?—A. Nothing, except when they spoke about—when they said "We've got that son of a bitch," and immediately after that, "We've got another white bastard."

Q. Could you tell from that talk whether they were colored people or white people who did the shooting in the alley?—A. Yes, sir; they had the accent of the negro.

Q. At what place were these men standing when you had the best view of them?—A. Right at the mouth of the alley.

Q. On which side of Thirteenth street?—A. The side toward the Miller Hotel.

Q. Was there anybody in your room other than the members of your family on that night?—A. No, sir; there was no one in the room, except after it was all over Mr. Davis, the night clerk, came up and asked us if they had shot into our room, and he was the only one that was in our room during that night.

Q. Did you or your husband, or any member of your family, leave your room that night?—A. No, sir; except once when I stepped out into the court and went to Mrs. Moore's room and knocked on the door and asked how Mrs. Moore was. Mr. Moore said she was very sick in bed from the shock, and I returned to my room.

Q. I presume that you were awake the greater part of the night?—A. We never closed our eyes again until morning. We were afraid they would come back. Our little girl could not sleep for two weeks afterwards. It made her nearly have nervous prostration, and we left the next morning on the first train.

Q. Have you ever been back to Brownsville since that time?—A. No, sir.

Q. Will you state how these men were dressed and the color of their clothing?—A. They were dressed in the uniform that the soldiers wear—brown, and soft brown hats, and looked just as they always did when marching up the street, except four of them, who were in their shirts. The shirts that these men had on seemed to be a little lighter than their uniform.

Q. Where was your husband standing in the room, as nearly as you can remember, during the time this shooting was going on?—A. First he was standing in the alley window farthest away from Thirteenth street, and he remained there until they had gone out on Thirteenth street and until that window was shot into, and then he stepped to the other window facing on the alley nearest Thirteenth street, and remained there until they went by the alley. Then after they came back he stepped to the window facing the alley and stood there and saw them go back in the direction of the fort.

Q. Have you heretofore made any statement concerning what you saw of this shooting from your room in the Miller Hotel on that night?—A. Yes, sir; I made a short statement.

Q. When and to whom?—A. About five weeks ago, to Mr. Stevens, and the county clerk, or deputy county clerk, Mr. Wilkens.

Q. Where did you make that statement?—A. In my home, at 2320 West Commerce street, in the city of San Antonio.

Q. I will show you this paper which I hold in my hand, marked "Exhibit C," and ask you to look at the signature and state whether you signed that statement?—A. Yes, sir.

The statement is as follows:

Statement of Mrs. E. M. Odin.

"I was at Brownsville, Tex., with my husband and family the night of the shooting. I was in my room at the hotel, in the second story, facing the alley, and heard some one running in the alley. I went to the raised window and looked out and saw a number of negro soldiers, about twelve in number. They all had guns, and I noticed two of them had guns and also revolvers. Some of them were shooting at the time I reached the window and others were hollering 'Shoot him; there he goes.' Their shots were directed at a man on a horse whom I recognized as a policeman. His horse was killed in front of the hotel, near the window of my room. I had a dim light burning in my room at the time, and the attention of the soldiers was directed to our window, and when they saw my husband and myself they immediately open fire on us. One of the bullets struck the window sash about an inch from my head and passed through my hair and lodged in the wall; two other bullets came into room and lodged in the wall. About thirty shots were fired into the hotel. Next morning when I got up I found my face was powder burnt. When the soldiers came back they were running toward barracks and were firing all the time. Some of them were in their blouses and bareheaded. All this took place between 11 p. m. and 12 m. on that night. It was a very bright moonlight night. I am almost positive that I could identify some of the men. I have one or two bullets that I took out of the walls of my room. One of the bullets I gave to Chas. F. Stevens."

"Mrs. E. M. ODIN.

"Witnesses:

"J. ED WILKENS.

"CHAS. F. STEVENS."

Q. I will ask you to state under what circumstances you signed this paper marked "Exhibit C," and how it was taken down, just as nearly as you can remember?—A. Mr. Stevens and Mr. Wilkens one day at noon came out to our house, 2320 West Commerce, and told me that they had been sent out there to get a statement from me in regard to this affair. I hesitated to give it to them at first, and they said it was all right and went on and explained that you or some Government official was going to be at Brownsville and would be here in a short time, and as I was intending to go away for a short time I gave them a short statement. They said they wanted to use it.

Q. As you made the statement to them at that time, was it taken

down in writing?—A. Yes, sir; it was taken down in writing. Mr. Wilkens wrote it down, and he asked me if it was a bright moonlight night, and I told him I thought there was some moon; I could not say whether it was a bright moonlight or not. He wrote it down there [pointing to the statement] that it was a bright moonlight night; but there was enough light from both street lamps that I could see these people plain in their uniforms, and their faces also.

Q. After this statement was written down by Mr. Wilkens at that time, did you read it over, or did he read it over to you, before you signed it?—A. No, sir; he did not read it over, nor did I read it over, and he asked me if I would sign, and I said "Yes." I was in quite a hurry at the time, as our little girl was sick and I could not leave her but a few minutes. I told him I could not give him but a few minutes.

Q. So you signed it without having read it through?—A. Yes, sir.

Q. Did you at that time, during your conversation with Mr. Stevens and Mr. Wilkens, state that it was a very bright moonlight night?—A. No, sir; I did not.

Q. What, if anything, did you say about it being moonlight?—A. I said there was a little moon; that it was light there in the street.

Q. Is there anything more that you care to state with reference to the circumstances under which this statement marked "Exhibit C" was made by you at that time?—A. When Mr. Stevens came out to my house I told him that I didn't have the time to give him, as our little girl was very sick, and he said it would not take more than five minutes; if I could give him that much time they would appreciate it very much. So I invited them into the parlor (they were in the hall then), and the clerk sat down, and I gave him just a short statement, but when I saw it come out in the paper the next day I noticed that there were some things I never had said. Mr. Stevens asked me if I could identify those negroes. I told him that was a pretty hard thing to do, to identify them among so many of them, but that I believed that if I could see that speckled-face negro I could identify him. I did not tell Mr. Stevens that I could identify any of the rest of them. And in regard to the bullets, nothing was ever said about them only that I had one of the jackets which came off from the bullet and fell back in the room and which I picked up from the floor. I did not say anything about picking any bullets out of the wall, and he asked me if I would willingly give him the jacket, so he could forward it to Washington, and I said "Certainly," and went and got it for him. I see by this statement that it is claimed that I said I recognized a policeman. I did not say anything of the kind, and did not know it was a policeman that was shot until the next morning. I see it is stated here that two other bullets came into the room and lodged in the wall. I did not make such a statement to Mr. Stevens or anyone else, and I never made that statement.

Q. At the time you made this statement marked "Exhibit C" you state that your little girl was very ill. Did she recover from that sickness?—A. No, sir; she died.

Q. How long after that did she die?—A. She died at 3 o'clock Sunday morning, and they were at my house on Friday noon. If it had been any other time I would have taken this statement and read it over, but I just could not do it then.

Q. I presume you had supposed that they had correctly stated what you had said to them?—A. Yes, sir; but the statement is incorrect with respect to the points that I have pointed out. As to the other things it is substantially correct.

ETHEL M. ODIN.

THE STATE OF TEXAS, County of Bexar, ss:

Mrs. Ethel M. Odin, being first duly sworn, deposes and says that she has read the foregoing testimony by her subscribed, and that the same is true of her own knowledge, except as to those matters therein stated upon information and belief, and that as to those matters she believes them to be true.

ETHEL M. ODIN.

Subscribed and sworn to before me this 4th day of January, 1907.

[SEAL.] D. H. HART,
Clerk United States Court for the Western District of Texas,
By A. I. CAMPBELL, Deputy.

12. Expert evidence as to bullets, rifles, etc.

Capt. Hanson E. Ely was first duly sworn by Maj. A. P. Blocksom, and, upon being examined by Mr. Purdy, testified as follows:

Q. What is your full name?—A. Hanson E. Ely.

Q. You are a captain in the United States Army?—A. Yes, sir; captain, Twenty-sixth Infantry, United States Army.

Q. How long have you been connected with the Army?—A. Nine-teen years and six months.

Q. Captain, are you familiar with the rifle used by the United States Army at the present time and during the past year?—A. Yes, sir.

Q. What is that rifle called?—A. The new Springfield rifle.

Q. And what is its caliber?—A. Thirty hundredths.

Q. Will you describe in a general way the ammunition which is fired from that rifle?—A. The ammunition which is ordinarily used is that made by the Ordnance Department or the United States Cartridge Company. It is a cartridge about 3¼ inches in length, has what is called a "bottle-neck shell," and a bullet about 1½ inches in length, steel jacketed throughout. The shells have on their butt the mark of the Ordnance Department or that of the United States Cartridge Company. These cartridges are carried in brass clips holding five each, similar to this (witness showed one of the clips turned over by the mayor of Brownsville to Mr. Purdy).

Q. Now, Captain Ely, will you state what experience you have had in the use of this new Springfield rifle?—A. I have had more experience with the old "Krag" rifle, though I have had some with the new Springfield, but the bullet fired and the effects of the bullet are the same in the two, being made practically identical, the new Springfield bullet being a little more pointed, however.

Q. About how long has the new Springfield rifle been in use in the Army?—A. About six to ten months.

Q. Will you state now, Captain, in a general way, the description of the new Springfield, how it is fired, and the number of "lands" in the bore?—A. The new Springfield rifle has a blue-steel barrel, 26 inches in length, yet is a magazine rifle, the magazine of which has what is called a "direct feed"—that is, it is immediately under the chamber and feeds up by a spring. This magazine is capable of holding five cartridges at the same time. There may be one other in the barrel chamber, which makes the gun practically a six-shot gun—repeater. The loading is effected by means of a bolt. It is technically called a "curved-bolt" gun. The bolt handles extend to the right at right angles to the bolt itself, the bolt being a prolongation of the barrel. The piece is operated by means of rotating the bolt handle upward and to the left until it is almost perpendicular, and then drawing it to

the rear. This permits the cartridge to feed up from the magazine, and by pushing the bolt forward and turning the handle to the right, the bolt is locked, the piece cocked, and ready for discharge. After being discharged the operation is repeated and the shell ejected by means of an ejector spring, which throws it to the right and rear a distance of from 3 to 6 feet, depending on the rapidity of the operation.

Q. Now, Captain Ely, I will show you the empty cartridges (thirty-two in number) and ball cartridges (six in number) and three clips which were turned over to me by the mayor of the city of Brownsville and the sheriff of Cameron County at the time of my investigation there last week in connection with the testimony of the mayor and other witnesses to the effect that they were picked up in the streets in the city of Brownsville a short time after the shooting affray there on the 13th of August, and will ask you whether you have examined those empty shells and ball cartridges?—A. Yes, sir; I have.

Q. Can you state whether they are similar to the ammunition such as is used in the new Springfield rifle in use in the United States Army?—A. Yes, sir; they are. In fact, there is no ammunition made for any other guns in this section like this, and I could practically swear that that ammunition was made for that rifle—the new Springfield.

Q. Now, will you go on and state the difference between this ammunition, if any exists, and the ammunition which is used by other rifles in use in this section of the country outside of the Army?—A. I have hunted in this country, and am acquainted with a number of local hunters, and have shot with them. The only sporting rifles in use in this country to any extent whatever are the Marlin, the Remington, and the Winchester. These rifles I am somewhat familiar with. They could not use the Government ammunition such as you have shown me, because the powder charge is greater, the shell longer, and the projectile longer in the Government rifle than in rifles above mentioned; and while I am familiar with a number of those three makes, those I have seen could not possibly use this ammunition, their chamber being too short for it; and from what I know of rifles that I have not seen—from catalogues and studying the same—I am convinced that there are none made by these companies that will shoot the ammunition of the new Springfield rifle. I think there is a Savage rifle that will shoot this ammunition, but I have never heard of one in this country. The New York National Guard at one time used the Savage rifle.

Q. Now, Captain Ely, I will ask you what knowledge you have with respect to the bullets of this Government ammunition and the bullets used by the rifles which you have heretofore mentioned?—A. I have hunted with both rifles and the different ammunition used in the different sporting rifles and the Government rifle. It is invariably the case with hunters to use what is called the "soft-nose" bullet, such as is in this cartridge. [Witness marks the cartridge with an "E" with his knife on the side of the case.] When this cartridge is fired—that is, the soft-nose bullet—and the projectile strikes deer or other objects, the lead which is on the side of the steel case "mushrooms," as it is technically called, and the caliber of the bullet is practically increased from six to ten fold, giving great shock and great power. This bullet [marked "H"] shows the effect of the striking of this soft-nose bullet and a "mushroom" bullet. The Government bullet projectile is steel-covered throughout; is not adapted to hunting, as a deer shot with it will run many miles before falling, if it falls at all. I myself have shot three shots through an antelope with such a bullet and had the antelope to get away, while striking a deer or antelope with the "mushroom" bullet the game seldom gets away, the shock being too great, the hole too large, and the bleeding too heavy.

Q. What effect is had upon the steel jacket when striking hard substances?—A. I have seen hundreds of these bullets, after they have been fired into gravelly ground and hard earth, and the effect on striking rocks or such substance is to tear the jacket from the bullet, sometimes simply breaking it open, sometimes the lead separating entirely from the open jacket, and sometimes the jacket is broken into several pieces which look like small particles of battered-up tin. The steel jacket of the projectile, after being fired, will always show the marks of the "lands" of the bore of the rifle firing it. These "lands" cut into the steel and give the bullet the necessary rotation to keep it from tumbling.

Q. Now, Captain Ely, I will show you a bullet which Maj. A. P. Blocksom picked out of the dining-room door in the house of Mr. Yturria in the city of Brownsville, Tex., on the 1st day of January of this year, and will ask you to examine it and state, in your judgment, what kind of a bullet it is and all about it.—A. That is a new Springfield bullet, or bullet fired from the new Springfield Government service ammunition, caliber .30. This I can tell by the jacket of the bullet, its length, the shape of its nose, the mark of the four "lands" of the rifle on the bullet, which is deeper than that of the "lands" of any rifles used in this vicinity; and also the rifles used in this vicinity, other than the Government rifles, have a larger number of "lands" in them, and the "lands" are shallower than in the new Springfield.

Q. Now, Captain Ely, I will ask you whether you know of any rifle made which has as small a number of "lands," to wit, four, as those of the new Springfield rifle?—A. I do not, except probably the Krag. I am familiar with the Marlin, the Remington, and the Winchester rifles, practically the only rifles used in this country, or the rifles most generally used, and all of these rifles have either six or seven "lands."

Q. Will you explain what "lands" are, and what is their function?—A. The "lands" are projections from the interior of the bore of a rifle which runs spirally from the breech to the muzzle, forming helices. The twist of these "lands" in the Government rifle is one turn to 8 inches of barrel length. These "lands" in the Government rifle are four in number, and they are more prominent, or have greater height, than in other rifles, the ordinary sporting rifles. The purpose of these "lands" is to give a rotary motion to the projectile by the "lands" being forced into the projectile, the projectile following the helices as it is projected from the piece. This rotary motion keeps the axis of the projectile constantly in the same direction, preventing what is called "tumbling," which would occur were it not for this rotary motion.

Q. Captain, can you state, from the marks of these "lands" upon the bullet which I have shown you, that was found by Major Blocksom in the Yturria house, whether that bullet was fired from the new Springfield rifle?—A. I can. It was fired from a new Springfield rifle. It has upon it the steel jacket of it and the marks of the four "lands" which were forced into the jacket as above described. The depths of these marks and their number (four) and the shape of the nose indicate beyond all question that it must have been fired from the Government rifle—the new Springfield—as the other rifles used in this section of the country have a greater number of "lands," the height of which is less than in the Government rifle.

Q. I will ask you now, Captain, whether you know of any rifle or have ever heard of any rifle which would fire a bullet and leave upon

It marks of "lands" similar to the marks upon this bullet which I have shown you?—A. I know of no such rifle, except the Krag, nor have I heard of any during my entire experience with rifles and rifle shooting. I will state in this connection that the cup won from the English rifle team by the United States rifle team, after having been taken to this country, was returned to the English rifle team on their protest that the rifles used by the American team were not accurately the military rifle in use by the United States Army, because these barrels used by the American competing team had been especially made with a larger number of "lands" in them, and these "lands" were shallower than in the regular military rifle, the terms of the competition requiring that the military rifle should be used, and the cup was returned.

Q. Now, Captain, I will show you this bullet, indented at the side of the nose, and which Mr. Garza states in his affidavit that he picked out of the top of the wooden cover of the well at the house of Mr. Yturria, in Brownsville, on the 14th day of August, 1906, and will ask you to examine this bullet, which I now show you, and state whether or not it was fired from a new Springfield rifle; and if so, your reasons for so stating.—A. This bullet was fired from a new Springfield rifle, the reasons being the same as above: The marks of four "lands" of the new Springfield rifle are shown distinctly on the bullet, with their greater depth than that of any other rifle used commonly in this vicinity, or used anywhere, so far as I know, and the caliber also is the same as that of the Government rifle.

Q. Captain Ely, I will next show you a bullet which was given to me, and marked with a star on the flat surface at the base of the bullet, in connection with the testimony of Miss Gertrude Cowen, and which is alleged to have been found in a wardrobe in the house of Mr. Louis Cowen, in the city of Brownsville, lodged between the plate-glass mirror and the wooden back of the mirror, on the day on which Miss Cowen's testimony was taken before me. I will ask you to examine this bullet and state whether in your opinion it was fired from a new Springfield rifle; and if so, your reasons for so stating.—A. In my opinion this bullet was fired from a new Springfield rifle, it having the steel jacket covering the nose, is .30 caliber, has the four grooves made by the four "lands" of the Springfield rifle, having the depth which those "lands" make.

Q. From the examination which you have made of this bullet, which was found in the wardrobe in the Cowen house back of the broken glass, can you state as to whether that bullet could have been fired through two or three wooden partitions before striking the mirror in the wardrobe and still the nose of the bullet be in the condition in which you see it?—A. I can. The velocity of bullets from the new Springfield rifle (about 2,100 feet per second) is so great, and the nose of the bullet being covered with an extremely hard substance, which is a composition, but is ordinarily called "steel jacket," it will penetrate about 50 inches of soft wood. I have seen bullets from the Government rifle penetrate a large number of pine boards without having the nose perceptibly defaced in any manner. At the same time I have known bullets to be deflected simply by knots in pine timber.

Q. Now, I will ask you, Captain, if you can account, taking into consideration the place where the bullet is alleged to have been found, back of the glass mirror, for the flattened condition of the base of the bullet, and also taking into consideration the further fact that the bullet was fired through two or more partitions of the Cowen house?—A. From much observation of bruised and mutilated bullets of this character, and the knowledge of the cause of the deflection of the same, I am of the opinion that this bullet was probably deflected from its course by some knot in the wood through which it passed, especially as I saw at one time a soldier wounded in a marker's pit by a bullet deflected by a knot in a pine 2 by 4 which constituted part of the shelter over his head. If this bullet had been so deflected, it probably tumbled—that is, going end over end, in which case it might have struck the thick plate glass with its butt, breaking the glass and falling into the place you have described.

Q. Captain Ely, I have asked you several questions with reference to this bullet [handing same to Captain Ely] alleged to have been found in the wardrobe in the Cowen house. Are you able to state, from the bruised condition of the butt of this bullet, whether or not it passed through some object before coming in contact with the obstacle which produced the deformation?—A. Yes; it must have passed through some such obstacle, or the nose of the bullet would have struck first. Some obstacle must have caused a deviation of the direction of the bullet which caused it to tumble, which is the only explanation I can see for causing the deformation at the butt of the bullet.

Q. In this connection, Captain Ely, I will show you the two pieces of metal, which I hold in my hand, resembling bent tin, and which were claimed by Mrs. Cowen to have been found in the drawer of a dresser through which one of the bullets which were fired into the Cowen house on the night of the 13th of August. I will ask you to examine these pieces of metal [hands them to Captain Ely] and to state whether in your opinion they are portions of a bullet or bullets fired from the Springfield rifle?—A. I am fully convinced that these pieces are parts of the cupro-nickel casing or steel jacket of the projectile of the new Springfield ammunition. I have had considerable experience on the rifle range and have examined a very great number of broken-up projectiles, broken by the iron-target frame or stones in the earth, and these are without doubt parts of such a projectile. The hardness and constitution of the metal show it to be the peculiar composition used in this jacket, and not to be tin or any such ordinary substance.

Q. Captain Ely, I will ask you whether it is possible for the jacket of a ball fired from a new Springfield rifle into a frame dwelling house, after having passed through one or more partitions in the house, and into a heavy piece of oaken furniture, such as a dresser, to be broken up and disintegrated into small particles of metal resembling tin, such as I show you, and which were claimed by Mrs. Cowen. I believe, to have been found in one of the drawers of her dresser on the morning after the 13th of August, 1906?—A. Yes, it is entirely possible. The bullet would be so broken probably if it touched a nail or other hard substance in the wall or the dresser, and when once the jacket is split it generally breaks into several pieces or is entirely deformed, as the lead then forces itself away from the jacket, and the penetration of the pieces of the jacket is very small, and the drawer would readily retain them while the lead portion passed on through.

Q. Now, Captain Ely, I will show you these three portions of metal which were given to Major Blockson by Mr. Garza, and which he testified were found in his house on the morning of the 14th day of August, on the dining-room floor, near a bullet hole in the bottom of the dresser, and will ask you to examine those pieces of metal and state whether in your opinion they are portions of the steel jacket or covering of a bullet fired from the new Springfield rifle?—A. Yes; these are undoubtedly portions of the jacket of such a projectile,

especially as one piece distinctly shows the base of the jacket, though somewhat deformed. I will say in this connection that to one not accustomed to the peculiar deformations on the jacketed bullet the parts of the jacket might seem like pieces of tin or other substance. Therefore, this morning I dug from the rifle butts at Fort Sam Houston these projectiles and ragged pieces of projectile jackets [hands them over to Mr. Purdy] to show the similarity of the pieces in evidence and these which I know are parts of projectiles coming from the new Springfield rifle; and also the unbroken bullets would show the marking of the "lands," described in my testimony, to be exactly similar to such markings on the projectiles in evidence; the caliber to be the same, the length the same, the covering of the same material, the number of "lands" the same, and their depth the same.

Q. Now, Captain Ely, I want to ask you a question about another matter. From your experience as an Army officer in charge of enlisted men, are you able to state whether it is possible for a private to secure and retain in his possession a dozen or more rounds of cartridges without it appearing upon the records of the ammunition that are kept, and without the knowledge of his commanding officer that the private has such ammunition in his possession?—A. Yes. It is possible, in spite of all possible checks. Only yesterday afternoon there was on trial at Fort Sam Houston the case of a man in my own company who had a certain amount of ammunition unauthorizedly in his possession, and had fired the same at night, and in my company I take more than ordinary precaution in requiring men to turn in the ammunition immediately after inspection, and to issue it to them immediately before inspection—a precaution not generally taken. With the target season shooting, with an allowance of 400 rounds of ammunition per man per year, and the winter season shooting, and the subsequent season shooting, and the post competitions, there is a splendid opportunity for men who desire to steal ammunition to do so. It is customary in many companies to permit the men to retain at all times the ten rounds of ammunition required to be in their possession at inspection. At the camp of instruction at Mount Gretna, Pa., last summer the Second Squadron of the Thirteenth Cavalry was there encamped, and its commanding officer, finding some unauthorized ammunition among the men, made a search and found considerably over 1,000 rounds of ammunition concealed in the camp of the squadron; and it is so common for men to have unauthorized ammunition that it is an ordinary precaution that before a maneuver the men are specially searched and inspected to see that they have no ball ammunition with them.

Q. In conclusion, Captain Ely, I will ask you to examine these three clips [hands them to Captain Ely] which, it is shown by the testimony of various witnesses, were picked up in the streets of the city of Brownsville on the morning of the 14th of August, 1906, and turned over to me by the mayor of Brownsville and the sheriff of Cameron County, and to state whether in your opinion they are similar to those which are used in the new Springfield rifle.—A. I have carefully examined the clips, and can confidently state that they were made for the new Springfield rifle, and are exactly the same as those issued to the troops for their use. These clips are of a peculiar pattern, and I am confident that there is no other rifle, unless it be some military rifle of Europe, that uses a clip anything like these, and I am fully convinced that the clip is peculiar to the Springfield rifle and that there is no other like it.

HANSON E. ELY,

Captain, Twenty-sixth Infantry, United States Army.

THE STATE OF TEXAS, County of Bexar:

Hanson E. Ely, being first duly sworn, deposes and says that he has read the foregoing testimony subscribed by him, and that the same is true of his own knowledge, except as to those matters therein stated upon information and belief, and that as to those matters he believes them to be true.

HANSON E. ELY,

Captain, Twenty-sixth Infantry.

Subscribed and sworn to before me this 6th day of January, 1907.

[SEAL.]

D. H. HART,

Clerk United States Court for the Western District of Texas,

By A. I. CAMPBELL,

Deputy.

Capt. David J. Baker was first duly sworn by Maj. A. P. Blockson, and, upon being examined by Mr. Purdy, testified as follows:

Q. What is your full name?—A. David J. Baker, captain, Twenty-sixth Infantry.

Q. Captain Baker, how long have you been in the United States Army?—A. About twenty-four and one-half years.

Q. You are stationed here at Fort Sam Houston at the present time?—A. Yes, sir; in command of a company of the Twenty-sixth Infantry.

Q. What experience have you had, Captain Baker, in the use of rifles used by the United States troops and with Government ammunition used in such rifles?—A. I have been familiar with the weapons and with the ammunition used in such rifles ever since I have been in the service. An officer comes into intimate contact with the weapons and ammunition used by them, especially on the target range and in active service. I have not had much experience of that kind with the new Springfield rifle, but I have taken pains to learn the weapon thoroughly, and the ammunition is in all leading characteristics the same as that used in the Krag rifle, which the new Springfield rifle superseded in the Army, and with which I am very thoroughly acquainted.

Q. Captain Baker, I should like to show you certain shells and ball cartridges and three clips which were turned over to me by the mayor of Brownsville, Tex., and the sheriff of Cameron County, during my investigation there last week, and ask you whether or not you can tell from those empty shells and ball cartridges as to what kind of ammunition it is?—A. The ammunition and the clips were manufactured for use in the new Springfield rifle, and are such as are used by the troops at the present time. They are manufactured in all cases either by the Government itself or the Union Metallic Cartridge Company, now called the United States Cartridge Company, and, as far as I know, only by such plants; and they are only used by and sold to the Government.

Q. Captain, I will ask you whether ammunition of the character of that which I have shown you—that is, such as was in these empty shells—is commonly bought and sold in the market for general use and for hunting purposes?—A. No, sir. When you first asked me that question, I answered it offhand, as above, but since then, and in order to satisfy myself, I have made inquiry of the principal gun dealers of San Antonio, all of whom are distributors of weapons and

ammunition, not only in this vicinity, but throughout Texas, and they confirm the answer that I have already given.

Q. I will now ask you, Captain, to give your reasons why ammunition of this character is not in general use outside of the Army?—A. Army ammunition is intended for main killing only. The shell carries a heavier charge than sporting ammunition, which is intended, of course, for killing game; the projectile is longer and is fired from a rifle which, for the sake of durability, has only four lands, whereas all sporting rifles of which I know anything have five, six, or even seven lands; also, for the sake of durability, the lands in the Government rifles have considerable height compared with those of sporting rifles, which are much shallower. Finally, the bullets almost invariably used in sporting rifles have the soft head, which "mushrooms" on impact, whereas the composite jacket of the Government bullet covers the head entirely, and it seldom, if ever, "mushrooms" on impact. I have been speaking of Government projectiles in their original and customary form. When soldiers are allowed to hunt with them, they invariably file off the head part of the jacket in order to enable it to "mushroom" and thereby give greater shock. This has come under my observation several times within the last few months.

Q. From what you have stated with reference to the new Springfield rifle and the Government ammunition, I will ask you to state whether, in your opinion, these empty shells and ball cartridges and clips which I have shown you, and which came into my possession as heretofore stated, are ammunition such as is used in the new Springfield rifle?—A. I think there can be no question but that they are. Such ammunition as this—in this country, the United States—is only used in the Springfield rifle.

Q. Now, Captain Baker, I want to exhibit to you a bullet which Maj. A. P. Blocksom extracted from the dining-room door in the house of Mr. Yturria in the city of Brownsville on the 1st day of January of this year (1907), and which is claimed to have been fired into Mr. Yturria's house on the night of the 13th of August, 1906, and will ask you to examine this bullet and state whether in your opinion it was fired from a new Springfield rifle; and, if so, give your reasons for making such a statement?—A. It was. The bullet bears the marks of four deep lands that are characteristic of the Government rifle; it has greater length than any bullet other than military of which I have knowledge, and it could only have been fired from an Army rifle, because only such rifles have the length of chamber, and only the Government rifle is made with space next to the chamber sufficient to accommodate a bullet of this length and diameter.

Q. Those are the reasons, Captain Baker, which you give for your statement that this bullet must have been fired from a Government rifle?—A. Yes, sir. There are other indications not easily described, but which I think would be confirmed by any soldier, be he officer or enlisted man, who has been for any length of time in the service, and acquainted with the Army weapons and their ammunition.

Q. From examinations of this bullet that was found in Mr. Yturria's house, will you state, Captain Baker, whether it could have been fired from a Krag-Jørgensen gun?—A. In my opinion, no. I hold in my hands a Krag-Jørgensen ball cartridge and a new Springfield rifle ball cartridge, neither of which has been fired, and the bullet under consideration. You can see for yourself that the Krag-Jørgensen bullet, from the neck to the head, is considerably larger in diameter than the new Springfield rifle bullet and that the head is blunter. I have never tried the experiment, but from my knowledge of firearms, and from just looking at these, it would seem to me impossible to fire the Springfield bullet from the Krag rifle, and you can also see from my putting these side by side that the bullet under consideration is a new Springfield and not a Krag bullet. I do not believe that the new Springfield ammunition can safely be inserted in a Krag rifle or that the Krag ammunition can at all be inserted in a new Springfield rifle.

Q. Now, Captain Baker, I will call your attention to a bullet which was offered in evidence in connection with the testimony of Mr. Garza, and which he claims to have extracted from the wooden top over a well at the home of Mr. Yturria, in Brownsville, on the 14th day of August, 1906. I will ask you to examine that bullet and state whether, in your opinion, it was fired from a new Springfield rifle; and if so, give your reasons therefor?—A. Yes, sir. It bears distinctly the impression of the four high lands of the new Springfield rifle; it has the length of the bullet which, as far as I know, only fits into that rifle; and the dent on the side of the head has the characteristics usually found on impact by a bullet jacketed as are those fired from that rifle; and the diameter toward the head is apparently that of the new Springfield rather than that of the Krag, or any other military or sporting ammunition of which I have any knowledge.

Q. I will next show you, Captain Baker, a bullet which was offered in evidence during the progress of this investigation in connection with the testimony of Miss Gertrude Cowen, and which is claimed to have been found in the wardrobe in the Cowen house on the day on which Miss Cowen was examined. The bullet was alleged to have been found between the plate-glass mirror in the wardrobe and the board immediately back of such mirror. I will ask you to examine this bullet and state whether, in your opinion, it was fired from a new Springfield rifle; and if so, give your reasons for so stating?—A. It was. It bears the distinct marks of the four deep lands of the new Springfield rifle bullet and it has the length of the bullets that are fired from that rifle; and where, toward the base, it came in contact with a relatively hard substance it no doubt tumbled end over end before it came to a state of rest. The jacket has been affected and has marks similar to those I pointed out on the other two bullets which you have shown me. This bullet would only fit accurately into a new Springfield rifle, and therefore it is hard to conceive of anyone taking the risk of even trying to fire it from a rifle having a different chamber or caliber of bore.

Q. Captain Baker, taking into consideration the fact that this bullet is flattened at its base, apparently by impact with some hard substance, I will ask you to state whether or not, in your opinion, it must have passed through some other substance before coming in contact with the hard substance which has flattened the bullet at its base?—A. The mark at the base of the bullet must have been caused by contact of said base with some relatively hard obstacle and it must have occurred from its position while the bullet was not driving direct but tumbling end over end. Such tumbling is only caused, in my experience, by the meeting with or passage through some previous hard obstacle.

Q. Now, Captain Baker, I will ask you with respect to another matter. From your experience in charge of men at an Army post, will you state whether or not it would be possible for enlisted men to obtain and retain in their possession, without the knowledge of their commanding officers, a dozen or so rounds of ammunition?—A. Each enlisted man is ordinarily supposed to have ten rounds. Most of the old soldiers accumulate a greater number in order to be able to pro-

duce the proper number at all times. The ten rounds, at least, are always in the personal possession of the enlisted man, the only requirement being that he produce them on inspection. In addition to the ten rounds, target practice, field service, and possibly the generosity of the quartermaster-sergeant or first sergeant give them an opportunity to accumulate more without specific knowledge on the part of their officers. After twenty years' experience as an officer, and having been many times during that period a company commander and in close contact with enlisted men, both in garrison and in the field, I believe that most enlisted men of any organization in service in any post really have in their possession at all times more ammunition than that which may have been issued to them and which they are required to produce on inspection, namely, ten rounds.

Q. Then, in your opinion, Captain Baker, it would not only be possible, but it is a very common thing, for the enlisted men to have in their possession a dozen or so rounds of cartridges each without it appearing from the records of the ammunition kept that he has in his possession such additional rounds?—A. The chances for getting this ammunition are so many that even with the greatest care on the part of the company officers it is impossible to break up the practice. It is as hard a thing to deal with as to prevent the feeding of other people by the cook in your kitchen. It is almost a similar case.

Q. Captain Baker, in conclusion, I want to call your attention particularly to the three clips that were turned over to me by the mayor of the city of Brownsville and by the sheriff of Cameron County as having been found in the streets of Brownsville on the morning after the shooting on the 13th of August, and ask you whether those clips are similar to the clips used in the new Springfield rifle?—A. I have in my hand a clip that has been issued by the Government for the use in the new Springfield rifle. The three shown me by you I have compared with this. They are in every respect the same. I know of no such clip in use in this country in any other rifle, sporting or military, except the Springfield.

DAVID J. BAKER,

Captain, Twenty-sixth Infantry, United States Army.

THE STATE OF TEXAS, County of Bexar, ss:

Capt. David J. Baker, being first duly sworn, deposes and says that he has read the foregoing testimony by him subscribed, and that the same is true of his own knowledge, except as to those matters therein stated upon information and belief, and that as to those matters he believes them to be true.

DAVID J. BAKER,

Captain, Twenty-sixth Infantry, United States Army.

Subscribed and sworn to before me this 6th day of January, 1907.

[SEAL.]

D. H. HART,

Clerk United States Court Western District of Texas,
By A. I. CAMPBELL, Deputy.

Col. Frank Baker was first duly sworn by Maj. A. P. Blocksom, and, upon being examined by Mr. Purdy, testified as follows:

Q. What is your full name, Colonel Baker?—A. Frank Baker.

Q. And you are a lieutenant-colonel of the Ordnance Department of the United States Army, stationed at the San Antonio Arsenal?—A. Yes, sir.

Q. How long, Colonel, have you been connected with the Ordnance Department of the Army?—A. Twenty-seven years.

Q. Are you acquainted with the rifle now in use in the United States Army, commonly known as the "new Springfield rifle"?—A. Yes, sir; though this rifle is officially designated as United States magazine rifle, caliber .30, model 1903.

Q. Will you state, Colonel, where this Springfield rifle is manufactured?—A. At the Springfield Armory, Springfield, Mass., and at the Rock Island Arsenal, Rock Island, Ill., which are manufacturing establishments under the direction of the Ordnance Department of the Army.

Q. Then, as I understand you, Colonel, this rifle is manufactured by the Government for the use of the United States Army?—A. Yes, sir.

Q. About how long has this rifle been in use in the Army?—A. I would say about six or eight months.

Q. Now, Colonel Baker, I will ask you to state as to whether this new Springfield rifle can be purchased or obtained by anyone except the officers and men connected with the United States Army?—A. The only case of which I am aware where it can be so obtained is by an inventor purchasing it by the authority of the Chief of Ordnance, or in case a soldier should desert and carry away his rifle and later dispose of the same.

Q. In other words, it is manufactured for the exclusive use of the United States Army, and not for sale?—A. It is.

Q. Colonel Baker, I will show you these thirty-two empty shells, six ball cartridges, and three clips, which were turned over to me during the progress of my investigation of the Brownsville affray by the mayor of Brownsville and the sheriff of Cameron County. These cartridges and clips are alleged to have been picked up in the streets of the city of Brownsville on the morning of the 14th day of August, 1906, and turned over to the mayor of that city. I will ask you to examine the six ball cartridges and to give your opinion as to what kind of ammunition they are? [Hands the six ball cartridges to Colonel Baker.]—A. One of these cartridges was made at the Frankford Arsenal, and is for the United States magazine rifle, caliber .30, model 1903; the remaining five were made by the Union Metallic Cartridge Company, of Bridgeport, Conn., and are identical with the ammunition used in the United States magazine rifle, caliber .30, model 1903; and there is no question in my mind but that they were made for the United States Government and issued to troops for use with the rifle named.

Q. Now, Colonel Baker, I will ask you as to whether that ammunition which you have just examined—the six ball cartridges—can be fired from the Krag-Jørgensen rifle?—A. It can not.

Q. I will ask you, Colonel, whether you have attempted to insert one of those cartridges in a Krag-Jørgensen rifle?—A. I have.

Q. With what success?—A. It is impossible to seat the cartridge in the chamber by at least one-half inch.

Q. Now, Colonel Baker, I will call your attention to these thirty-two empty shells which were picked up in the streets in the city of Brownsville on the morning of the 14th of August, and ask you whether in your opinion those shells were fired from the new Springfield rifle? [Hands the empty shells to Colonel Baker.]—A. In my opinion they were.

Q. Have you made a demonstration with these shells in the new Springfield rifle, for the purpose of ascertaining whether they fit that gun?—A. I have.

Q. And you have no doubt but that they were fired from such rifle?—A. I have not the least doubt in the world.

Q. Now, Colonel Baker, I will call your attention to three clips which were alleged to have been picked up in the streets of Brownsville the day after the shooting there last August, and ask you whether in your opinion those clips were such as were used by the troops in connection with the new Springfield rifle?—A. They are.

Q. Will you state, Colonel Baker, where this ammunition is manufactured which is specially designed for use in the new Springfield rifle?—A. In general, it is manufactured at the Frankford Arsenal, Philadelphia, which is a manufacturing establishment which is owned, controlled, and operated by the United States Government. The Government has also purchased ammunition for the magazine rifle, caliber .30, model 1903, from the following-named private manufacturers: The United States Cartridge Company, of Lowell, Mass.; the Winchester Repeating Arms Company, of New Haven, Conn.; and the Union Metallic Cartridge Company, of Bridgeport, Conn.

Q. I will ask you, Colonel Baker, if you know of any rifle, other than the new Springfield rifle, which will shoot the ammunition such as I have exhibited to you?—A. I do not. There may be, but I am not cognizant of it.

FRANK BAKER.

Lieutenant-Colonel, Ordnance Department, United States Army.

THE STATE OF TEXAS, County of Bexar:

Frank Baker, being first duly sworn, deposes and says that he has read the foregoing testimony by him subscribed, and that the same is true of his own knowledge, except as to those matters therein stated upon information and belief, and that as to those matters he believes them to be true.

FRANK BAKER.

Lieutenant-Colonel, Ordnance Department, United States Army.

Subscribed and sworn to before me this 6th day of January, 1907.

[SEAL.]

D. H. HART,

Clerk United States Court for the Western District of Texas.

By A. I. CAMPBELL,

Deputy.

WAR DEPARTMENT,

OFFICE OF THE SECRETARY,

January 6, 1907.

MEMORANDUM FOR THE CHIEF OF ORDNANCE.

Will you please send a competent officer to the factories where the ammunition for the Springfield rifle of the model of 1903 has been manufactured and obtain from the persons who know how much, if any, of that ammunition has been sold to anybody but the Government, and who the persons were to whom it was sold?

Second. Whether the rifle itself, of the model of 1903, has been made and sold to anybody but the Government by third persons.

Third. Whether, within the knowledge of the experts of the firms manufacturing the ammunition, any gun is known, except the United States rifle of the model of 1903, which will take this ammunition, either by single cartridges or in a clip.

Fourth. What has been the destination of any United States rifles of the model of 1903 which have found their way into the possession of any other persons than the troops of the Regular Army of the United States.

WM. H. TAFT,

Secretary of War.

[Indorsement.]

OFFICE OF THE CHIEF OF ORDNANCE,

Washington, January 10, 1907.

1. Respectfully returned to the honorable the Secretary of War, together with report of Capt. J. H. Rice, Ordnance Department, upon the first three of the items mentioned in the within memorandum.

2. It appears from Captain Rice's report that ammunition similar to that for the Springfield rifle, model of 1903, has been manufactured and sold to private parties by two establishments. This ammunition is, however, somewhat different from that manufactured by or for the Government, in that the ammunition manufactured by the Winchester Repeating Arms Company used different priming compositions and different anvil, and all but 25,000 rounds had different marking on the base of the cartridge case, while that manufactured by the Union Metallic Cartridge Company, while using the same anvil, had different priming composition and different marking on the base of the cartridge case. Therefore it should be possible to distinguish any of the ammunition or fire cartridge cases thus manufactured and sold to private parties from that manufactured by or for the Government.

3. Some 438 rifles designed to fire the ammunition mentioned above as sold to private parties have been manufactured and mostly sold to dealers and to individuals by the Winchester Repeating Arms Company, and two such rifles have been manufactured by the M. Hartley Company, one of which is still in its possession. It is not believed, however, that any of these rifles would ordinarily fire the Government ammunition, because of their light blow by the firing pin, which is the reason for the difference of primer and anvil mentioned above.

4. There is also inclosed a list of the names and addresses of all parties to whom United States Government ammunition for the rifle of the model of 1903 had been furnished prior to August 13, 1906, under the various laws and regulations permitting the disposition of such ammunition to others than United States troops.

5. Referring to the fourth point in the within memorandum, a list is inclosed showing the disposition of all United States rifles of the model of 1903, prior to August 13 last, to persons other than officers and troops of the Regular Army.

WILLIAM CROZIER,

Brigadier-General, Chief of Ordnance.

[Inclosure No. 1.]


WAR DEPARTMENT,


OFFICE OF THE CHIEF OF ORDNANCE,

Washington, January 10, 1907.

Sir: 1. Referring to letter from The Military Secretary, dated January 7, 1907, O. O. 32753-93, directing me to proceed to Lowell, Mass., and New Haven and Bridgeport, Conn., and your verbal instructions in connection therewith, I have the honor to report as follows:

I left this city at 5.35 p. m. on January 6, arriving at Lowell, Mass., the next morning. I visited the works of the United States Cartridge Company at that place and had a talk with Mr. Butler and Mr. Hoxie, of the company. Mr. Butler stated that no ammunition, model of 1903, had been sold by them, as there was practically no market for the product

2 I then proceeded to the works of the Winchester Repeating Arms Company at New Haven, Conn., arriving at 4.22 p. m., January 7. I called upon Mr. W. Bennett, second vice-president of that company, who informed me that their model of 1895 Winchester rifle had been chambered for the model of 1903 cartridge and that 438 had been shipped from the factory; 152,920 model of 1903 cartridges had also been manufactured and shipped to dealers and others. Of these, 25,000 used cartridge cases, marked in accordance with the Government system, that had been left over from their last contract with the Ordnance Department. This marking was "W. R. A. Co., 5-06." All the remaining cartridges sold by them were marked "W. R. A. Co., 30 G. 03." All the Winchester cartridges sold to others than the United States had fulminate primers of Winchester manufacture instead of the non-fulminate primers used by the Ordnance Department. The Winchester primer has an anvil shaped approximately thus: , while the

Government primer has an anvil shaped thus: , the Winchester also being of thinner material. It is necessary for the company to use fulminate primers, since the nonfulminate are too insensitive for the stroke of the firing pin in their arm.

All the fulminate primers manufactured by them will be discharged by a 2-ounce weight dropped 23 inches, while the Ordnance Department primer requires the same weight dropped 30 inches. Consequently it would be but rarely that a Government cartridge with non-fulminate primer would be discharged in a Winchester rifle. Mr. Bennett stated that he knew of no other company in the United States that had sold any arms chambered for the 1903 cartridge. He very kindly furnished me with lists showing where all their arms so chambered had been sent from the factory, and a similar list in reference to the ammunition. I also later obtained a list showing where the arms and ammunition of this class had been sent when sold by their New York retail store. The former lists were not completed until 6 p. m. on January 8, and the latter required the greater part of January 9 for their preparation. Of the arms shown shipped to San Francisco, fifteen were destroyed in the earthquake and fire at that place. While the Winchester company was preparing the lists referred to above I proceeded to Bridgeport, Conn., and interviewed the officials of the Union Metallic Cartridge Company at that place. I found that they had sold 15,860 rounds of ammunition, model of 1903, which they said was marked on the base, "U. M. C. 30 S." and not "U. M. C. Co.," followed by the date, as is done in the case of Government contracts. I was unable to obtain a list showing where this ammunition had been sent, but was informed that it could probably be obtained at their New York office. The cartridges sold by this company were supplied with fulminate primers in which the anvil is practically the same as that used by the United States. After returning to New Haven and obtaining the lists above referred to from the Winchester company, I proceeded to New York City, arriving on the evening of January 8. The next morning I visited the retail store of the Winchester company and obtained from them lists showing, as far as possible, their sales of guns and ammunition of this class. They were, of course, unable to identify the purchasers of such of the stores as had been sold over the counter.

3. I also visited the M. Hartley Company and the Union Metallic Cartridge Company, and the president of the latter, informed me that the M. Hartley Company had never manufactured for the trade any arm chambered for the 1903 ammunition, but that one had been furnished to a man named Pederson, who had been in their employ, and who was now thought to be in Arizona, and another had been chambered and was in stock. He furnished me a list, showing as far as possible the sales of 1903 ammunition by the Union Metallic Cartridge Company, stating, however, that where the ammunition had been turned in to stock in their New York store they were unable to give information as to the purchasers, since their records were not so kept as to make this possible. These two companies appeared to be under the same management.

4. Although diligent inquiry was made, I was unable to hear of any company in the United States that manufactures the regular model of 1903 rifle, nor did any of the men with whom I talked know of any company manufacturing any rifle chambered for the 1903 ammunition other than those enumerated above. The Winchester rifle does not use a clip, nor would the one Lee rifle sold by M. Hartley Company use the service clip.

5. About 90 per cent of the 1903 ammunition sold by the Winchester Company had soft-nose bullets, the remainder having the ordinary jacketed bullet. Their records did not show the exact proportion. The list furnished by the Union Metallic Cartridge Company indicates which were soft-nosed and which were jacketed.

6. The last two lists were completed late on the afternoon of January 9. The lists referred to above are hereto appended, marked as follows:

List of arms shipped from the factory of the Winchester Repeating Arms Company, marked "A."

List of model of 1903 cartridges shipped from the Winchester factory, marked "B."

List of rifles sold by the New York retail store of the Winchester Repeating Arms Company, marked "C."

List of ammunition sold by the New York retail store of the Winchester Repeating Arms Company, marked "D."

List of ammunition sold by the Union Metallic Cartridge Company, marked "E."

Very respectfully,

J. H. RICE,
Captain, Ordnance Department, U. S. Army.

The CHIEF OF ORDNANCE.

A.

Shipment of model '95, .30 Government rimless rifles.

Quantity.	Date.	To whom shipped.
	1904.	
1	Aug. 6	W. S. Brown, Pittsburg, Pa.
1	Aug. 17	New York department, Winchester Repeating Arms Co.
2	Aug. 18	Do.
1	Aug. 23	Jno. W. Garrett, Colorado Springs, Colo.
1	Aug. 23	Soo Hardware Co., Sault Ste. Marie, Mich.
1	Aug. 29	T. B. Davis Arms Co., Portland, Me.
1	Aug. 30	Ad. Topperwein, St. Louis, Mo.
5	Aug. 11	San Francisco department.
1	Oct. 7	Newton Lumber Co., Colorado Springs, Colo.

Shipment of model '95, .30 Government rimless rifles—Continued.

Quantity.	Date.	To whom shipped.
	1904.	
2	Oct. 11	New York department, Winchester Repeating Arms Co.
1	Oct. 14	Do.
1	Oct. 22	Do.
1	.....do....	Cartridge shop shooting gallery, Winchester Repeating Arms Co.
2	Oct. 27	Frank A. Ellis & Son, Denver, Colo.
3	Nov. 1	New York department, Winchester Repeating Arms Co.
1	Nov. 2	J. A. Johnston, Pittsburg, Pa.
1	.....do....	Carl Engel, Butte, Mont.
1	Nov. 19	Norvell-Shapleigh Hardware Co., St. Louis, Mo.
1	Dec. 19	J. A. Johnston, Pittsburg, Pa.
	1905.	
1	Jan. 17	Ralph Skidmore, Marinette, Wis.
1	Jan. 20	New York department, Winchester Repeating Arms Co.
1	Jan. 26	Bering-Cortes Hardware Co., Houston, Tex.
1	Jan. 26	New York department, Winchester Repeating Arms Co.
5	Jan. 11	San Francisco department, Winchester Repeating Arms Co.
3	Feb. 24	New York department, Winchester Repeating Arms Co.
1	Apr. 24	John Meunier Gun Co., Milwaukee, Wis.
1	.....do....	R. A. Kane, Menominee, Mich.
2	Mar. 14	Carl Engel, Butte, Mont.
2	Mar. 28	New York department, Winchester Repeating Arms Co.
1	May 4	Velocity department, Winchester Repeating Arms Co.
1	May 8	San Francisco department, Winchester Repeating Arms Co.
1	May 10	W. S. Brown, Pittsburg, Pa.
1	May 13	J. A. Johnston, Pittsburg, Pa.
2	May 19	Frank A. Ellis & Son, Denver, Colo.
2	May 22	Velocity department, Winchester Repeating Arms Co.
1	June 20	Missoula Mercantile Co., Missoula, Mont.
1	June 24	Iver Johnson Sporting Goods Co., Boston, Mass.
5	June 20	San Francisco department, Winchester Repeating Arms Co.
10	July 26	Do.
1	Aug. 16	J. A. Johnston, Pittsburg, Pa.
1	Aug. 7	New York department (export), Winchester Repeating Arms Co.
3	Aug. 10	Do.
5	Aug. 18	Do.
1	Aug. 22	Carl Engel, Butte, Mont.
1	Sept. 23	New York department, Winchester Repeating Arms Co.
1	Sept. 8	Emmons & Mundy, Auburn, N. Y.
1	Oct. 6	San Francisco department, Winchester Repeating Arms Co.
1	Oct. 7	Sportsmen's Supply Co., Pittsburg, Pa.
3	.....do....	New York department, Winchester Repeating Arms Co.
1	Oct. 20	Carl Engel, Butte, Mont.
1	Oct. 27	W. S. Brown, Pittsburg, Pa.
1	Nov. 11	R. W. Allen, Kenosha, Wis.
1	Nov. 21	F. S. Rowe & Co., Fort Pierre, S. Dak.
2	Dec. 8	Frank A. Ellis & Son, Denver, Colo.
1	Dec. 11	Soo Hardware Co., Sault Ste. Marie, Mich.
1	Dec. 20	G. Pitards's Sons, New Orleans, La.
	1906.	
1	Jan. 10	Rice & Miller, Bangor, Me.
1	Jan. 12	Von Lengerke & Antoine, Chicago, Ill.
1	Jan. 17	Thomas Van Aiken & Co., Beaumont, Tex.
10	Jan. 18	San Francisco department.
1	Jan. 23	Mosling & Anderson, Lakewood, Wis.
1	Feb. 20	W. Bingham Co., Cleveland, Ohio.
2	Feb. 12	Von Lengerke & Antoine, Chicago, Ill.
1	Feb. 6	J. A. Firebaugh, Fairview, Okla.
1	Feb. 10	Lyman Gun Sight Corporation, Middlefield, Conn.
1	.....do....	Foster, Stevens & Co., Grand Rapids, Mich.
2	Feb. 12	Von Lengerke & Antoine, Chicago, Ill.
1	Feb. 17	Carbon Coal Co., Decota, W. Va.
1	Feb. 20	Shelton-Payne Arms Co., El Paso, Tex.
1	Feb. 21	Iver Johnson Sporting Goods Co., Boston, Mass.
1	Feb. 26	Carl Engel, Butte, Mont.
1	Feb. 27	Proto Bros., Nogales, Ariz.
1	Feb. 28	W. K. Coleman, Bartow, Fla.
1	Mar. 3	Wm. Read & Sons, Boston, Mass.
1	.....do....	H. A. McLean, Jamaica, Vt.
1	Mar. 8	W. S. Dunbar, Alpine, Tex.
1	Mar. 9	T. B. Davis Arms Co., Portland, Me.
3	Mar. 10	Salt Lake Hardware Co., Salt Lake City, Utah.
1	Mar. 12	Jno. M. Killin Co., Pueblo, Colo.
1	.....do....	Sheffield-Huntington Co., Americus, Ga.
10	Mar. 14	New York department, Winchester Repeating Arms Co.
1	Mar. 16	Do.
1	Mar. 23	Iver Johnson Sporting Goods Co., Boston, Mass.
1	Mar. 28	Stevell-Paterson Hardware Co., Salt Lake City, Utah.
1	Apr. 16	Montgomery Ward & Co., Chicago, Ill.
1	Apr. 17	Frank A. Ellis & Son, Denver, Colo.
7	Apr. 20	Jno. E. Davis, Butte, Mont.
1	Apr. 21	Jas. Dodds, Dayton, Ohio.
2	Apr. 23	Carl Engel, Butte, Mont.
5	Apr. 25	Wyeth Hardware and Manufacturing Co., St. Joseph, Mo.
1	Apr. 26	Montgomery Ward & Co., Chicago, Ill.
5	Apr. 25	Marshall-Wells Hardware Co., Portland, Oreg.
1	Apr. 30	J. Stevens Arms and Tool Co., Chicopee Falls, Mass.
1	Mar. 30	J. E. Wells, Mitchell, S. Dak.
1	May 2	G. H. Garrison & Co., Olympia, Wash.
1	May 4	Farwell, Ozmun, Kirk & Co., St. Paul, Minn.
2	May 10	Tuft-Lyons Arms Co., Los Angeles, Cal.
1	May 11	United States Cartridge Co., Lowell, Mass.
1	May 29	W. S. Brown, Pittsburg, Pa.
2	.....do....	F. S. Rowe & Co., Fort Pierre, S. Dak.
1	May 29	Montana Hardware Co., Butte, Mont.
1	May 29	Iver Johnson Sporting Goods Co., Boston, Mass.
1	May 31	W. S. Brown, Pittsburg, Pa.
1	.....do....	Von Lengerke & Antoine, Chicago, Ill.
1	May 29	New York Department, Winchester Repeating Arms Co.
1	Apr. 10	W. S. Brown, Pittsburg, Pa.
2	Apr. 12	Von Lengerke & Antoine, Chicago, Ill.
1	Apr. 24	J. A. Johnston, Pittsburg, Pa.
3	June 12	New York Department, Winchester Repeating Arms Co.

Shipment of model '95, .30 Government rimless rifles—Continued.

Quantity.	Date.	To whom shipped.
	1906.	
1	June 1	The Fair, Chicago, Ill.
1	June 4	Korff, Honsberg & Co., City of Mexico, Mexico.
1	June 12	C. & W. McClean, St. Louis, Mo.
1	June 18	Joint Bros., Sabona, N. Y.
2	June 27	Holley-Mason Hardware Co., Spokane, Wash.
1	June 29	Jetton-Deckle Lumber Co., Brandon, Fla.
1	June 30	Salem G. Le Valley Co., Buffalo, N. Y.
2	July 2	Winter & Co., Moncton, New Brunswick, Canada.
1	.....do....	Missoula Mercantile Co., Missoula, Mont.
1	July 29	J. A. Johnston, Pittsburg, Pa.
1	.....do....	New York Department, Winchester Repeating Arms Co.
10	July 7	Marshall-Wells Hardware Co., Portland, Oreg.
1	.....do....	Farwell, Ozmun, Kirk & Co., St. Paul, Minn.
2	July 11	Sorenson & Thykeson, Albert Lea, Minn.
5	July 12	Chas. E. Tisdall, Vancouver, British Columbia, Canada.
1	.....do....	Iver Johnson Sporting Goods Co., Boston, Mass.
2	July 14	Sorenson & Thykeson, Albert Lea, Minn.
1	July 24	T. B. Davis Arms Co., Portland, Me.
1	July 26	I. E. Swift Co., Houghton, Mich.
1	.....do....	Farwell, Ozmun, Kirk & Co., St. Paul, Minn.
1	July 30	W. H. Hoegee & Co., Los Angeles, Cal.
5	July 31	Wyeth Hardware and Manufacturing Co., St. Joseph, Mo.
1	.....do....	Bronson & Townsend Co., New Haven, Conn.
1	Aug. 1	Bullard & Gormely Co., Chicago, Ill.
1	.....do....	Lyman Gun Sight Corporation, Middlefield, Conn.
1	Aug. 2	John O'Brien Lumber Co., Somers, Mont.
2	Aug. 3	Frank A. Ellis & Son, Denver, Colo.
2	.....do....	Strevell-Paterson Hardware Co., Salt Lake City.
2	Aug. 8	Honeyman Hardware Co., Portland, Oreg.
20	.....do....	Marshall-Wells Hardware Co., Portland, Oreg.
1	.....do....	Golcher Bros., San Francisco, Cal.
2	.....do....	Jensen-King-Bird Co., Spokane, Wash.
2	Aug. 4	Tuft-Lyons Arms Co., Los Angeles, Cal.
1	.....do....	Do.
1	Aug. 2	W. F. Sheard, Tacoma, Wash.
3	Aug. 9	Krakauer-Zork & Moye, El Paso, Tex.
5	.....do....	Schwabacher Hardware Co., Seattle, Wash.
2	Aug. 19	Kennedy Bros., Minneapolis, Minn.
2	Aug. 10	Murphy-MacLay Hardware Co., Great Falls, Mont.
1	Aug. 16	Stauffer, Eshleman & Co., New Orleans, La.
1	Aug. 17	W. K. Ephlin, Methuen, Mass.
1	Aug. 18	A. D. McAusland, Miles City, Mont.
1	Aug. 20	Dr. W. R. Prather, Calistoga, Cal.
1	Aug. 21	Iver Johnson Sporting Goods Co., Boston, Mass.
2	Aug. 22	Missoula Mercantile Co., Kalspell, Mont.
2	Aug. 23	Missoula Mercantile Co., Missoula, Mont.
1	.....do....	Lyman Gun Sight Corporation, Middlefield, Conn.
1	.....do....	Strevell-Paterson Hardware Co., Salt Lake City.
1	Aug. 24	Seattle Hardware Co., Seattle, Wash.
2	Aug. 25	Pacific Hardware and Steel Co., San Francisco.
3	.....do....	Von Lengerke & Antoine, Chicago, Ill.
1	.....do....	W. H. Holliday Co., Laramie, Wyo.
1	Aug. 27	A. M. Holter Hardware Co., Helena, Mont.
1	Aug. 29	J. F. Schmelzer & Sons Arms Co., Kansas City.
1	Aug. 30	Sumner & Co., Moncton, New Brunswick, Canada.
1	.....do....	Hibbard, Spencer, Bartlett & Co., Chicago.
2	.....do....	Carl Engel, Butte, Mont.
1	.....do....	A. Deutz & Bro., Laredo, Tex.
1	Aug. 2	New York department, Winchester Repeating Arms Co.
1	Aug. 15	Do.
1	Aug. 17	Do.
1	Aug. 18	Do.
1	Aug. 2	J. A. Rickard & Co., Schenectady, N. Y.
1	Sept. 11	Golcher Bros., San Francisco, Cal.
1	Sept. 20	Montgomery Ward & Co., Chicago, Ill.
1	Sept. 26	Foster-Mead Hardware Co., Huntington, W. Va.
1	Sept. 29	F. H. Chandler, Shelburne Falls, Mass.
3	Sept. 10	Korff, Honsberg & Co., City of Mexico, Mexico.
1	Sept. 5	Fuller-Cook Hardware Co., Houston, Tex.
3	Sept. 10	Horff, Honsberg & Co., City of Mexico, Mexico.
3	Sept. 6	Hibbard, Spencer, Bartlett & Co., Chicago.
2	Sept. 11	Northrup Hardware Co., Boise, Idaho.
20	Sept. 12	Janney, Semple, Hill & Co., Minneapolis, Minn.
1	.....do....	J. B. Lowe, Prentice, Wis.
1	Sept. 14	F. P. Hall Co., Columbus, Ohio.
1	Sept. 15	Walter G. Clark Co., Omaha, Nebr.
1	Sept. 18	Wyeth Hardware and Manufacturing Co., St. Joseph, Mo.
4	Sept. 19	New York department, Winchester Repeating Arms Co.
1	Sept. 4	Rev. J. W. Fobes, Peacedale, R. I.
2	Sept. 13	Browning Bros. Co., Ogden, Utah.
1	.....do....	Jerry Coleman, Galion, Ohio.
3	Sept. 15	Honeyman Hardware Co., Portland, Oreg.
1	Sept. 17	Arp & Hammond, Cheyenne, Wyo.
3	Sept. 19	Holley-Mason Hardware Co., Spokane, Wash.
1	.....do....	Andrus & Naedele Co., Hartford, Conn.
1	Sept. 20	W. H. Hoegee Co., Los Angeles, Cal.
5	Sept. 25	Wyeth Hardware and Manufacturing Co., St. Joseph, Mo.
3	Sept. 26	McLennon-McFeely & Co., Vancouver, British Columbia.
1	Sept. 28	Lyman Gun Sight Corporation, Middlefield, Conn.
1	Oct. 2	F. B. Crumley, Rock Springs, Wyo.
1	Oct. 4	John E. Bassett, New Haven, Conn.
1	Oct. 5	A. F. Debrowsky, Redding, Cal.
1	.....do....	F. L. Kilmer, Oconto Falls, Wis.
1	Oct. 10	T. B. Davis Arms Co., Portland, Me.
1	Oct. 13	Kennedy Bros., Minneapolis, Minn.
1	Oct. 16	Portage Lake Hardware Co., Houghton, Mich.
2	Oct. 19	Cambria Trading Co., Cambria, Wyo.
1	Oct. 22	W. M. Payne, Springfield, Ill.
1	Oct. 23	Kennedy Bros., Minneapolis, Minn.
1	Oct. 26	W. G. Clark Co., Omaha, Nebr.
1	Oct. 27	T. B. Davis Arms Co., Portland, Me.
1	Oct. 29	Stauffer, Eshleman & Co., New Orleans, La.
1	.....do....	Marshall-Wells Hardware Co., Portland, Oreg.
1	Oct. 30	O. A. Bremer-Lewis Co., San Francisco, Cal.
2	.....do....	Iver Johnson Sporting Goods Co., Boston, Mass.
1	Oct. 31	C. E. Norton, Diamonddale, Mich.
1	Oct. 19	Shelton-Payne Arms Co., El Paso, Tex.

Shipment of model '95, .30 Government rimless rifles—Continued.

Quantity.	Date.	To whom shipped.
	1906.	
1	Oct. 24	Golcher Bros., San Francisco, Cal.
1	Oct. 23	A. D. McAusland, Miles City, Mont.
1	Nov. 1	Robt. C. Harvey, Deadwood, S. Dak.
1	Nov. 2	Lewis Bros. & Co., Montreal, Canada.
1	Nov. 6	Seattle Hardware Co., Seattle, Wash.
1	Nov. 7	Bronson & Townsend Co., New Haven, Conn.
1	Nov. 12	J. G. Birney, Boston, Ga.
1	Nov. 13	Topky & Brebner, Conneaut, Ohio.
1	Nov. 15	Shelton-Payne Arms Co., El Paso, Tex.
1	Nov. 19	Carl Engel, Butte, Mont.
1	Nov. 20	Oscar Nason, Oxbow, Me.
1	Nov. 27	F. H. Mark, Bellows Falls, Vt.
1	Nov. 24	John M. Smyth Co., Chicago, Ill.
1	Nov. 30	Do.
1	Nov. 30	Missoula Merchandise Co., Missoula, Mont.
1	Dec. 1	Ambold Co., Waco, Tex.
1	Dec. 1	A. Deutz & Bro., Laredo, Tex.
2	Dec. 4	C. L. Pettingill & Son, Island Falls, Me.
1	Dec. 8	J. F. Schmelzer & Sons Arms Co., Kansas City, Mo.
1	Dec. 10	Harris Goodwin, Penacook, N. H.
1	Dec. 14	Frank A. Ellis & Son, Denver, Colo.
1	Dec. 20	Farwell, Ozmum, Kirk & Co., St. Paul, Minn.
1	Dec. 20	J. O. Bardill, Herculaneum, Mo.
1	Dec. 25	Iver Johnson Sporting Goods Co., Boston, Mass.
	1905.	
1	June 7	J. A. Johnston, Pittsburg, Pa.
	1906.	
2	Jan. 9	New York department, Winchester Repeating Arms Co.
1	Apr. 5	Von Lengerke & Antoine, Chicago, Ill.
5	Apr. 25	Marshall-Wells Hardware Co., Portland, Oreg.
1	July 2	Carl Engel, Butte, Mont.
	1905.	
	July 29	New York department, Winchester Repeating Arms Co.
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Shipment of .30 Government rimless cartridges.

Quantity.	Date.	To whom shipped.
	1906.	
1,000	June 25	New York department, Winchester Repeating Arms Co.
100	Aug. 2	J. A. Rickard & Co., Schenectady, N. Y.
500	Aug. 6	W. S. Brown, Pittsburg, Pa.
2,000	Aug. 12	San Francisco department, Winchester Repeating Arms Co.
1,000	Aug. 24	Do.
300	Aug. 23	Soo Hardware Co., Sault Ste. Marie, Mich.
240	Aug. 25	John W. Garrett, Colorado Springs, Colo.
500	Aug. 29	W. S. Brown, Pittsburg, Pa.
100	Aug. 29	T. B. Davis Arms Co., Portland, Me.
500	Sept. 2	W. S. Brown, Pittsburg, Pa.
1,000	Sept. 2	San Francisco department, Winchester Repeating Arms Co.
20	Sept. 17	London Armoury Co., London, England.
240	Oct. 26	Norvell-Shapleigh Hardware Co., St. Louis.
100	Oct. 18	Newton Lumber Co., Colorado Springs, Colo.
400	Oct. 27	Frank A. Ellis & Son, Denver, Colo.
160	Oct. 13	J. A. Johnston, Pittsburg, Pa.
300	Nov. 2	Carl Engel, Butte, Mont.
200	Nov. 3	Walter Tips, Austin, Tex.
300	Nov. 10	J. A. Johnston, Pittsburg, Pa.
500	Nov. 28	New York department, Winchester Repeating Arms Co.
40	Nov. 29	Berg Bros., Davenport, Iowa.
100	Dec. 2	Bering-Cortes Hardware Co., Houston, Tex.
40	Oct. 12	Norvell-Shapleigh Hardware Co., St. Louis.
180	June 9	United States Cartridge Co., Lowell, Mass.
	1905.	
300	Jan. 16	Frank A. Ellis & Son, Denver, Colo.
200	May 24	Carl Engel, Butte, Mont.
500	May 27	Iver Johnson Sporting Goods Co., Boston.
100	June 17	Ralph Skidmore, Marinette, Wis.
1,000	June 2	New York department, Winchester Repeating Arms Co.
1,000	June 20	Do.
40	July 6	P. R. Brooks, Rowayton, Conn.
500	July 11	Chas. E. Tisdall, Vancouver, British Columbia.
60	July 17	P. R. Brooks, Great Neck, Long Island.
500	Aug. 1	Frank A. Ellis & Son, Denver, Colo.
1,000	Aug. 2	Chas. E. Tisdall, Vancouver, British Columbia.
40	Aug. 16	London Armoury Co., London, England.
300	Aug. 17	A. B. Temple, El Paso, Tex.
1,000	Sept. 21	T. R. Brooks, Great Neck, Long Island.
1,000	Sept. 14	New York department, Winchester Repeating Arms Co.
1,000	Sept. 21	San Francisco department, Winchester Repeating Arms Co.
1,000	Sept. 18	Missoula Mercantile Co., Missoula, Mont.
2,000	Sept. 21	San Francisco department, Winchester Repeating Arms Co.
300	Sept. 27	Carl Engel, Butte, Mont.
2,000	Sept. 28	San Francisco department, Winchester Repeating Arms Co.
300	Oct. 6	Emil Linck, Hamburg, Germany.
200	Oct. 7	Sportsmen's Supply Co., Pittsburg, Pa.
3,000	Oct. 10	San Francisco department, Winchester Repeating Arms Co.
500	Oct. 14	Powell & Clement Co., Cincinnati, Ohio.
100	Oct. 24	Walter Tips, Austin, Tex.
40	Oct. 28	Lyman Gun Sight Corporation, Middlefield, Conn.
300	Oct. 30	W. S. Brown, Pittsburg, Pa.
200	Oct. 31	Walter Tips, Austin, Tex.
500	June 20	Missoula Mercantile Co., Missoula, Mont.
1,000	Nov. 3	New York department, Winchester Repeating Arms Co.
500	Nov. 11	R. W. Allen, Kenosha, Wis.

Shipment of .30 Government rimless cartridges—Continued.

Quantity.	Date.	To whom shipped.
	1905.	
200	Nov. 21	F. S. Rowe & Co., Fort Pierre, S. Dak.
200	Dec. 11	Soo Hardware Co., Sault Ste. Marie, Mich.
200	Dec. 11	Marshall-Wells Hardware Co., Duluth, Minn.
20	Dec. 12	G. E. Martinelli, Notre Dame, Ind.
100	Dec. 15	Montgomery Ward & Co., Chicago.
100	Dec. 20	G. Petards Sons, New Orleans, La.
	1906.	
500	Jan. 2	Powell & Clement Co., Cincinnati, Ohio.
100	Jan. 12	Von Lengerke & Antoine, Chicago.
100	Jan. 23	Jno. Pritzlaff Hardware Co., Milwaukee, Wis.
500	Feb. 1	Emil Lincke, Hamburg, Germany.
200	Feb. 20	Wilson & Matthews, Mount Gilead, Ohio.
1,000	Feb. 7	Hackett-Walter-Gates Hardware Co., St. Paul.
200	Feb. 6	I. A. Firebaugh, Fairview, Okla.
20	Feb. 10	Lyman Gun Sight Corporation, Middlefield, Conn.
1,200	Feb. 12	Von Lengerke & Antoine, Chicago.
200	Feb. 17	Carbon Coal Co., Decoto, W. Va.
1,000	Feb. 27	Proto Bros., Nogales, Ariz.
500	Feb. 28	Shelton-Payne Arms Co., El Paso, Tex.
300	Mar. 2	W. K. Coleman, Barto, Fla.
200	Mar. 2	London Armoury Co., London, England.
120	Mar. 3	H. A. McLean, Jamaica, Vt.
100	Mar. 9	T. B. Davis Arms Co., Portland, Me.
100	Mar. 12	Jno. M. Killim & Co., Pueblo, Colo.
100	Mar. 8	W. S. Dunbar, Alpena, Tex.
190	Mar. 9	Iver Johnson Sporting Goods Co., Boston.
2,000	Mar. 10	Salt Lake City Hardware Co., Salt Lake City.
100	Mar. 12	Sheffield-Huntington Co., Americus, Ga.
140	Mar. 15	Jno. Pritzlaff Hardware Co., Milwaukee.
500	Mar. 15	Foster-Stevens & Co., Grand Rapids, Mich.
80	Mar. 26	Jno. S. Neill, Frederickton, New Brunswick.
200	Mar. 28	Strevel-Patterson Hardware Co., Salt Lake City, Utah.
7,000	Mar. 31	San Francisco department Winchester Repeating Arms Co.
100	Apr. 10	Montgomery Ward & Co., Chicago, Ill.
200	Apr. 10	Do.
500	Apr. 12	Iver Johnson Sporting Goods Co., Boston, Mass.
1,000	Apr. 18	Wyeth Hardware Co., St. Joseph, Mo.
200	Apr. 26	J. E. Wells, Mitchell, S. Dak.
1,000	Apr. 12	New York Department Winchester Repeating Arms Co.
2,500	Apr. 16	Montana Hardware Co., Butte, Mont.
100	Apr. 21	Jas. Dodds, Dayton, Ohio.
100	Apr. 23	Carl Engel, Butte, Mont.
3,000	Apr. 25	San Francisco department Winchester Repeating Arms Co.
300	Apr. 26	Montgomery Ward & Co., Chicago.
7,000	Apr. 25	Marshall-Wells Hardware Co., Portland, Oreg.
100	Apr. 30	J. Stevens Arms and Tool Co., Chicopee Falls, Mass.
3,000	May 11	San Francisco department Winchester Repeating Arms Co.
2,000	May 11	Missoula Mercantile Co., Missoula, Mont.
300	May 2	W. S. Brown, Pittsburg, Pa.
100	May 5	W. K. Coleman, Homeland, Fla.
100	May 9	C. A. Shroyer & Co., Dayton, Ohio.
500	May 9	Frank A. Ellis & Son, Denver, Colo.
1,000	May 10	Tuft-Lyons Arms Co., Los Angeles, Cal.
140	May 28	F. S. Rowe & Co., Fort Pierre, S. Dak.
160	May 21	G. H. Garrison & Co., Olympia, Wash.
7,000	May 25	Marshall-Wells Hardware Co., Portland, Oreg.
1,000	June 4	Korff-Honsberg & Co., City of Mexico.
500	June 15	Browning Bros Co., Ogden, Utah.
200	June 18	Joint Bros., Savona, N. Y.
1,000	June 19	New York Department Winchester Repeating Arms Co.
500	June 7	W. S. Brown, Pittsburg, Pa.
1,000	June 9	Honeyman Hardware Co., Portland, Oreg.
120	June 12	C. & W. McClean & Co., St. Louis, Mo.
500	June 15	Browning Bros Co., Ogden, Utah.
500	June 19	New York Department Winchester Repeating Arms Co.
200	June 19	Salem G. LeValley, Buffalo, N. Y.
100	June 21	Edwards & Walker, Portland, Me.
300	June 29	Jetton-Dekle Lumber Co., Brandon, Fla.
500	June 27	Holley-Mason Hardware Co., Spokane, Wash.
1,000	June 25	Bullard & Gormley Co., Chicago, Ill.
500	June 27	Jensen-King-Byrd Co., Spokane, Wash.
3,000	June 27	Schwabacher Hardware Co., Seattle, Wash.
200	June 29	W. F. Sheard, Tacoma, Wash.
1,000	July 11	Sorensen & Thykson, Albert Lea, Minn.
400	July 14	Murphy-MacLay Hardware Co., Great Falls, Mont.
100	July 24	T. B. Davis Arms Co., Portland, Me.
300	July 2	Winter & Co., Morcton, New Brunswick.
2,000	July 2	Missoula Mercantile Co., Missoula, Mont.
240	July 3	W. K. Coleman, Carrabelle, Fla.
100	July 5	J. A. Rickard, Schenectady, N. Y.
300	July 6	Tuft-Lyons Arms Co., Los Angeles, Cal.
60	July 7	Fuller-Cook Hardware Co., Houston, Tex.
1,000	July 26	Farwell, Ozmum, Kirk & Co., St. Paul, Minn.
300	July 27	Wyeth Hardware and Manufacturing Co., St. Joseph, Mo.
500	July 27	Bronson & Townsend Co., New Haven, Conn.
600	July 31	Tuft-Lyons Arms Co., Los Angeles, Cal.
100	Aug. 7	Missoula Mercantile Co., Kallispell, Mont.
2,000	Aug. 9	Russell Bros. Manufacturing Co., Middletown, Conn.
500	Aug. 14	Krakauer-Zork & Moyer, El Paso, Tex.
1,000	Aug. 28	Wm. H. Hoegee Co., Los Angeles, Cal.
1,000	Aug. 11	Seattle Sporting Goods Co., Seattle, Wash.
200	Aug. 18	Janney-Semple-Hill & Co., Minneapolis, Minn.
1,000	Aug. 27	A. D. McAusland Miles City, Mont.
160	Aug. 22	Northrup Hardware Co., Boise, Idaho.
300	Aug. 25	Iver Johnson Sporting Goods Co., Boston, Mass.
200	Aug. 27	W. H. Holliday, Laramie, Wyo.
500	Aug. 27	Olney Hardware Co., Stafford, Ariz.
100	Aug. 30	J. M. K. Southwick, Newport, R. I.
1,000	Aug. 25	Sumner Co., Moncton, New Brunswick, Canada.
100	Aug. 28	G. M. Cole, State Arsenal, Hartford, Conn.
200	Aug. 30	Kirkwood Bros., Boston, Mass.
100	Aug. 2	Hibbard, Spencer, Bartlett & Co., Chicago, Ill.
40	Aug. 2	Russell Bros. Manufacturing Co., Middletown, Conn.
100	Aug. 3	J. O'Brien Lumber Co., Sommers, Mont.
2,000	Aug. 3	Golcher Bros., San Francisco, Cal.
2,000	Aug. 3	New York Department Winchester Repeating Arms Co.

Shipment of .30 Government rimless cartridges—Continued.

Quantity.	Date.	To whom shipped.
	1906.	
1,000	Aug. 4	Von Lengerke & Antoine, Chicago, Ill.
100	Aug. 16	Stauffer-Eshleman & Co., New Orleans, La.
500	Aug. 17	Dunham-Carrigan & Hayden Co., San Francisco, Cal.
100	Aug. 29	J. F. Schmelzer & Sons Arms Co., Kansas City, Mo.
300	Aug. 10	Kennedy Bros., Minneapolis, Minn.
200	Aug. 27	A. M. Holter Hardware Co., Helena, Mont.
500	Sept. 5	Shelton-Payne Arms Co., El Paso, Tex.
100	Sept. 11	Golcher Bros., San Francisco, Cal.
1,000	Sept. 15	Seattle Hardware Co., Seattle, Wash.
500	Sept. 7	Wm. R. Burkhard, St. Paul, Minn.
100	Sept. 8	Farwell, Ozmun, Kirk & Co., St. Paul, Minn.
100	Sept. 26	Foster, Meade & Co., Huntington, W. Va.
300	Sept. 1	Wm. Read & Sons, Boston, Mass.
500	Sept. 4	Iver Johnson Sporting Goods Co., Boston, Mass.
1,000	Sept. 10	Korff-Honsberg & Co., City of Mexico.
100	Sept. 14	Smith Bros., Columbus, Ohio.
240	Sept. 15	Walter G. Clark Co., Omaha, Nebr.
200	Sept. 26	Marshall-Wells Hardware Co., Duluth, Minn.
1,000	Sept. 27	New York Department Winchester Repeating Arms Co.
200	Sept. 26	J. F. Schmelzer & Sons Arms Co., Kansas City, Mo.
1,000	Sept. 29	Von Lengerke & Antoine, Chicago.
60	Sept. 4	Rev. J. W. Fowler, Peacedale, R. I.
200	Sept. 13	Jerry Coleman, Gallon, Ohio.
2,000	Sept. 14	Janney-Semple-Hill Co., Minneapolis.
100	Sept. 17	Arp & Hammond Hardware Co., Cheyenne, Wyo.
100	Sept. 20	Sumner Co., Moncton, New Brunswick.
20	....do....	Andrus & Naedele & Co., Hartford, Conn.
1,000	Sept. 21	Montgomery Ward & Co., Chicago, Ill.
2,000	Sept. 22	Wyeth Hardware & Manufacturing Co., St. Joseph, Mo.
1,000	Sept. 25	Tufts-Lyons Arms Co., Los Angeles, Cal.
1,000	Sept. 26	McLennan, McFeely & Co., Vancouver, British Columbia.
500	Oct. 12	Dunham, Carrigan & Hayden Co., San Francisco, Cal.
20	Oct. 13	A. Deutz & Bro., Laredo, Tex.
200	Oct. 27	T. B. Davis Arms Co., Portland, Me.
40	Oct. 29	Stauffer, Eshleman & Co., Orleans.
200	....do....	Marshall-Wells Hardware Co., Portland, Oreg.
40	Oct. 20	Jno. E. Bassett, New Haven, Conn.
100	Oct. 22	G. S. Clark, Berlin, N. H.
1,000	Oct. 23	Walter Tips, Austin, Tex.
80	Oct. 31	C. E. Norton, Diamonddale, Mich.
1,000	Oct. 30	New York Department Winchester Repeating Arms Co.
100	Oct. 1	Jacob Jelton, Cheyenne, Wyo.
100	Oct. 4	A. Deutz & Bro., Laredo, Tex.
100	Oct. 5	A. F. Dobrowsky, Redding, Cal.
100	Oct. 9	Weddington Hardware Co., Staunton, Va.
520	Oct. 16	Portage Lake Hardware Co., Houghton, Mich.
300	Oct. 19	Cambria Trading Co., Cambria, Wyo.
140	Oct. 24	Golcher Bros., San Francisco, Cal.
500	Oct. 2	Kennedy Bros., Minneapolis, Minn.
40	Oct. 4	Jno. E. Bassett, New Haven, Conn.
40	Oct. 10	T. B. Davis Arms Co., Portland, Me.
2,000	Oct. 19	Wyeth Hardware and Manufacturing Co., St. Joseph, Mo.
600	Oct. 5	F. L. Kilmore, Oconto Falls, Wis.
500	Oct. 11	Wm. R. Burkhard, St. Paul, Minn.
200	Oct. 26	Walter G. Clark Co., Omaha, Nebr.
120	Oct. 4	F. H. Chandler, Shelbourne Falls, Mass.
100	Oct. 9	Simmons Hardware Co., St. Louis, Mo.
500	....do....	Honeyman Hardware Co., Portland, Oreg.
20	Nov. 22	F. H. Mark, Bellows Falls, Vt.
100	Nov. 2	Montreal, Canada.
100	Nov. 24	Jno. M. Smyth, Chicago.
1,000	Nov. 3	Bullard & Gormley Co., Chicago.
1,000	Nov. 7	Do.
100	Nov. 12	Jno. G. Burney, Boston, Ga.
100	Nov. 13	Topky & Brevner, Conneaut, Ohio.
100	Nov. 24	Jno. M. Smyth, Chicago.
300	Nov. 7	Portage Lake Hardware Co., Houghton, Mich.
40	Nov. 12	Hopkins Bros. Co., Des Moines, Iowa.
100	Nov. 20	Oscar Nason, Oxbow, Me.
60	Nov. 14	Jno. E. Bassett, New Haven, Conn.
1,000	Nov. 23	Baker & Hamilton, San Francisco, Cal.
1,000	....do....	Baker & Hamilton, Sacramento, Cal.
400	....do....	J. H. Ashdown, Winnipeg, Manitoba.
300	Dec. 3	A. Deutz & Bro., Laredo, Tex.
200	....do....	Canedy Bros., St. Paul, Minn.
500	Dec. 8	J. F. Schmelzer & Sons Arms Co., Kansas City, Mo.
100	Dec. 3	Jno. E. Bassett, New Haven.
200	Dec. 4	C. L. Pettingell & Sons, Island Falls, Me.
300	Dec. 5	Jno. E. Bassett, New Haven, Conn.
80	Dec. 10	Thompson & Hoague, Concord, N. H.
6,000	Dec. 15	Seattle Hardware Co., Seattle, Wash.
2,000	Dec. 24	Wyeth Hardware and Manufacturing Co., St. Joseph, Mo.
100	Dec. 17	Bronson & Townsend Co., New Haven, Conn.
2,000	Dec. 28	Janney, Semple, Hill & Co., Minneapolis, Minn.
100	Dec. 20	Dunham, Carrigan & Hayden Co., San Francisco, Cal.
300	Dec. 26	Iver Johnson Sporting Goods Co., Boston, Mass.
500	Dec. 28	Do.
2,000	Dec. 29	Wyeth Hardware and Manufacturing Co., St. Joseph, Mo.
500	Dec. 31	National Sportsmen (Incorporated), Boston, Mass.

C.

Shipment of model 1895 .30 Government rimless rifles from New York department.

Quantity.	Date.	To whom shipped.
	1904.	
1	Aug. 17	Abercrombie & Fitch Co., New York City.
2	Aug. 18	Cash sale.
1	Aug. 11	Abercrombie & Fitch Co., New York City.
1	....do....	M. Hartley Co., New York City.
1	Aug. 18	Abercrombie & Fitch Co., New York City.
1	Aug. 14	Do.

Shipment of model 1895 .30 Government rimless rifles, etc.—Continued.

Quantity.	Date.	To whom shipped.
	1904.	
1	Oct. 22	Abercrombie & Fitch Co., New York City.
1	Nov. 1	Do.
1	....do....	Cash sale.
1	....do....	Abercrombie & Fitch Co., New York City.
	1905.	
1	Jan. 20	Cash sale.
1	....do....	Do.
1	Feb. 24	J. G. Drew, Pablo Beach, Fla.
1	....do....	Von Lengerke & Detmold, New York City.
1	....do....	Abercrombie & Fitch Co., New York City.
1	Mar. 28	Returned to New Haven.
1	....do....	Cash sale.
1	Aug. 7	Carr Bros., El Paso, Tex.
3	Aug. 10	Returned to New Haven.
3	Aug. 18	Cash sale.
1	....do....	I. C. Keefe, Herkimer, N. Y.
1	....do....	F. Winter Hardware Co., Lancaster, Pa.
1	Sept. 20	No record.
1	Oct. 7	Cash sale.
1	....do....	Returned to New Haven.
1	....do....	Schoverling, Daly & Gales, New York City.
1	July 29	Von Lengerke & Detmold, New York City.
	1906.	
1	Mar. 14	Cash sale.
1	Mar. 16	Returned to New Haven.
1	May 8	Schoverling, Daly & Gales, New York City.
1	June 12	Do.
1	....do....	Cash sale.
1	....do....	In stock.
1	July 29	Von Lengerke & Detmold, New York City.
1	Aug. 2	In stock.
1	Aug. 15	Do.
1	Aug. 18	Do.
1	Aug. 17	H. & D. Folsom Arms Co., New York City.
4	Sept. 19	In stock.
2	Jan. 9	H. & D. Folsom Arms Co., New York City.

D.

Shipment of .30 Government cartridges from New York department.

Quantity.	Date.	To whom shipped.
	1905.	
100	Jan. 16	M. Hartley Co., New York City.
100	Jan. 19	Abercrombie & Fitch Co., New York City.
200	Feb. 23	Cash sale.
500	Feb. 24	Abercrombie & Fitch Co., New York City.
60	Feb. 27	Do.
60	May 10	Cash sale.
20	May 26	Do.
200	May 29	Do.
40	June 1	Do.
20	June 21	Do.
200	June 19	Cash sale, J. A. Johnston, Pittsburg, Pa.
20	July 12	Abercrombie & Fitch Co., New York City.
20	July 17	Cash sale.
40	July 25	Do.
40	Aug. 3	Do.
300	Aug. 9	Abercrombie & Fitch Co., New York City.
300	Aug. 11	Carr Bros., for Texas.
300	Aug. 17	Von Lengerke & Detmold, New York City.
100	Aug. 24	Abercrombie & Fitch Co., New York City.
180	Sept. 7	Do.
60	Sept. 9	H. & D. Folsom Arms Co.
20	Sept. 13	Cash sale.
60	Sept. 23	Schoverling, Daly & Gales, New York City.
20	Sept. 25	Do.
200	Sept. 29	Abercrombie & Fitch Co., New York City.
500	Oct. 2	Do.
100	Oct. 21	Cash sale.
160	Nov. 3	Do.
20	Nov. 8	Do.
40	Nov. 20	Do.
200	Nov. 16	J. A. Johnston, Pittsburg, Pa.
	1906.	
40	Jan. 4	H. & D. Folsom Arms Co., New York City.
20	....do....	Do.
40	Jan. 10	Do.
200	Jan. 16	W. A. Abel & Co., Syracuse, N. Y.
400	Jan. 25	Von Lengerke & Detmold, New York City.
100	....do....	Do.
260	Feb. 3	D. S. Spaulding, Mexico.
40	Feb. 26	Cash sale.
60	Feb. 28	Albany Hardware and Iron Co., Albany, N. Y.
40	Mar. 3	Cash sale.
100	Mar. 6	Do.
200	Mar. 15	H. H. Valentine, Albany, N. Y.
20	Mar. 22	J. Stevens Arms and Tool Co., Chicopee Falls, Mass.
500	Apr. 6	J. A. Johnston, Pittsburg, Pa.
40	....do....	Cash sale.
100	Apr. 12	Von Lengerke & Detmold, New York City.
100	May 23	Cash sale.
300	May 24	Do.
100	May 25	Do.
40	June 4	W. A. Abel & Co., Syracuse, N. Y.
120	June 12	E. K. Tryon Co., Philadelphia, Pa.
1,000	June 20	Arkell & Douglas (for Australia).
500	June 23	Carr Bros. (for Mexico).
120	June 30	Cash sale.
300	Aug. 2	Schoverling, Daly & Gales, New York City.
100	Aug. 22	Do.

Shipment of .30 Government cartridges, etc.—Continued.

Quantity.	Date.	To whom shipped.
	1906.	
20	Aug. 31	Stichter Hardware Co., Lancaster, Pa.
200	July 5	Bluefield Hardware Co., Bluefield, W. Va.
100	July 13	Cash sale.
40	Sept. 4	Do.
40	Sept. 10	E. G. Koenig, Newark, N. J.
140	Sept. 17	Cash sale.
40	Sept. 21	Do.
300	Sept. 22	H. & D. Folsom Arms Co., New York City.
160	Sept. 25	Abercrombie & Fitch Co., New York City.
500	Sept. 26	J. A. Johnston, Pittsburg, Pa.
40	Oct. 4	Cash sale.
80	Oct. 8	Schoverling, Daly & Gales, New York City.
200	Oct. 9	H. & D. Folsom Arms Co., New York City.
100	Nov. 19	Cash sale.
200	Nov. 27	Schoverling, Daly & Gales.
100	.....do.....	T. B. Davis Arms Co., Portland, Me.
40	Oct. 19	Stichter Hardware Co., Lancaster, Pa.
20	.....do.....	Do.
80	Oct. 24	W. A. Abel & Co., Syracuse, N. Y.
80	Oct. 26	Von Lengerke & Detmold, New York City.
80	Oct. 29	Schoverling, Daly & Gales, New York City.
40	.....do.....	Do.
100	Oct. 30	Albany Hardware and Iron Co., Albany, N. Y.
80	Oct. 31	Schoverling, Daly & Gales, New York City.
200	.....do.....	Cash sale.

E.

To be inclosed with letter to Capt. John H. Rice.

Date.	Quantity.	Address.	Order No.
1904.			
Apr. 14	1,000 metal case	W. J. Bruff, care of M. Hartley Co., to Russia.	X 58995
May 13	200 metal case	S. G. Le Valley, Buffalo, N. Y.	X 7609
Do.	20 metal case	Weed & Co., Buffalo, N. Y.	X 6964
July 6	.....do.....	U. T. Hungerford Brass and Copper Co., New York.	X 1509
Do.	50 metal case	W. R. A. Co., New York City.	X 2177A
Do.	20 metal case	Schoverling, Daly & Gales, New York City.	X 1066
Do.	100 metal case	U. S. C. Co., Lowell, Mass.	X 9689
July 30	20 soft point	Schoverling, Daly & Gales, New York City.	X 1066
Aug. 4	2,000 metal case	Export, mark aTc, Callao.	X 1227X
Sept. 1	500 soft point	Elihu Root, Clinton, N. Y.	X 17348C
Sept. 15	600 soft point	E. O. Goff, Waterbury, Conn. (Schofield Manufacturing Co.).	X 19149
Sept. 28	200 metal case	R. A. Co., Ilion, N. Y.	X 20832A
Oct. 22	2,000 soft point	U. M. C. Co., San Francisco agency.	X 23543
Do.	1,000 metal case	.....do.....	X 23543
Dec. 2	500 metal case	W. J. Bruff, care of M. Hartley Co.	X 27877
1905.			
Jan. 14	20 soft point	Schoverling, Daly & Gales, New York City.	X 623
Jan. 16	200 metal case	M. Hartley Co., stock U	X 734
Jan. 16	200 soft point	.....do.....	X 734
Jan. 26	.....do.....	Comm. officer, Frankford Arsenal	X 13960
Apr. 26	300 metal case	M. Hartley Co., stock A	X 6124A
June 28	100 metal case	Kirkwood Co., Boston, Mass.	X 9873
Aug. 23	300 soft point	Von Lengerke & Detmold, New York City.	X 21440
1906.			
Feb. 6	1,000 soft point	Hackett-Walther-Gates, St. Paul.	X 1369
Mar. 19	400 metal case	R. A. Co., Ilion, N. Y.	X 4509
Mar. 22	200 metal case	J. A. Johnston, Pittsburg, Pa.	X 4550
Do.	200 soft point	.....do.....	X 4550
Apr. 7	100 soft point	Schoverling, Daly & Gales, New York City.	X 5509
May 16	200 metal case	Von Lengerke & Antoine, Chicago.	X 7757
June 26	40 metal case	Farwell, Ozmun, Kirk & Co., St. Paul.	X 9615
June 27	1,000 soft point	Francisco, Vizcaya, Laredo, Tex.	X 10297
Aug. 3	60 soft point	Farwell, Ozmun, Kirk & Co., St. Paul.	X 14141
Aug. 13	1,000 metal case	.....do.....	X 14869
Do.	1,000 soft point	.....do.....	X 14869
Aug. 17	400 soft point	M. Hartley Co., stock B	X 16948
Aug. 21	500 soft point	Kennedy Bros. Arms Co., St. Paul.	X 17297
Aug. 23	100 metal case	Lyman Gunsight Corporation, Middlefield, Conn.	X 17675A
Aug. 24	400 soft metal	M. Hartley Co., stock E	X 17946
Nov. 8	40 soft metal	Simmons Hardware Co., St. Louis.	X 30151
Do.	60 metal case	.....do.....	X 30151
Dec. 11	140 metal case	Stauffer-Eshleman & Co., New Orleans.	X 34407N
Metal case			7,860
Soft point			7,000
Total			15,860

[Inclosure No. 2.]

List of model of 1903 rifles issued, sold, or otherwise disposed of prior to August 13, 1906.

	Date of issue.	Model of 1903 rifles, both styles.	Cartridges.	Authority of Chief of Ordnance, United States Army.
Col. L. J. Pinault, Ottawa, Canada.	1903.	Number.		
Governor of Pennsylvania.	Nov. 16	56	1,000	Third indorsement, Aug. 19, 1903; O. O., 34191-9.
	Dec. 11	934	.....	First indorsement, Dec. 4, 1903; O. O., 30436-257.

List of model of 1903 rifles issued, sold, etc.—Continued.

	Date of issue.	Model of 1903 rifles, both styles.	Cartridges.	Authority of Chief of Ordnance, United States Army.
	1904.	Number.		
Union Metallic Cartridge Co., Bridgeport, Conn.	Jan. 21	516	.....	First indorsement, Jan. 4, 1904; O. O., 34088-9.
Lafin & Rand Powder Co.	Mar. 4	491	.....	Letter, Dec. 4, 1903; O. O., 34032-49.
Governor of Washington.	Mar. 15	11321	.....	Third indorsement, Feb. 16, 1904; O. O., 30621-118.
Governor of West Virginia.	Mar. 22	11553	.....	Third indorsement, Mar. 11, 1904; O. O., 31081-119.
Governor of New Jersey.	Apr. 7	9730 11433 10887 11356	.....	Sixth indorsement, Mar. 24, 1904; O. O., 31133-394.
Remington Arms Co.	May 5	19939	.....	Fifth indorsement, Mar. 26, 1904; O. O., 31133-392.
Governor of New Jersey.	May 6	.....	3,000	First indorsement, Apr. 26, 1904; O. O., 37825-34.
Mr. J. H. Brown, Reading, Pa.	May 14	10971	.....	Third indorsement, Apr. 23, 1904; O. O., 31133-409.
Winchester Arms Co.	May 25	11186	.....	First indorsement, Apr. 27, 1904; O. O., 37830-8.
Julius King Optical Co.	.....do.....	11547	.....	Letter, Dec. 28, 1903; O. O., 37831-155.
United States Cartridge Co.	May 28	444 664	.....	Fourth indorsement, Jan. 20, 1904; O. O., 34355-51.
Mr. S. N. McClean, Cleveland, Ohio.	June 2	11383	.....	First indorsement, Feb. 2, 1904; O. O., 31550-11.
Governor of New Jersey.	June 7	11158	.....	First indorsement, May 28, 1904; O. O., 22396-89.
Governor of Texas.	June 17	11161	.....	Third indorsement, June 3, 1904; O. O., 31133-424.
Mr. J. T. Brayton, 126 State street, Chicago, Ill.	.....do.....	11360	.....	First indorsement, June 2, 1904; O. O., 31316-167.
Governor of Maine.	.....do.....	11979	.....	Letter, Mar. 9, 1904; O. O., 34355-58.
Anson Mills Woven Cartridge Belt Co.	June 18	10870	.....	First indorsement, June 6, 1904; O. O., 28880-126.
S. National Museum	Aug. 15	6 7	.....	First indorsement, June 10, 1904; O. O., 38544-17.
Quartermaster, U. S. Marine Corps.	Aug. 19	11375	.....	Third indorsement, Aug. 10, 1904; O. O., 34926-29.
Governor of Pennsylvania.	Sept. 2	28241	.....	Third indorsement, Aug. 13, 1904; O. O., 31628-371.
Peters Cartridge Co.	Oct. 5	49062 49212 40576 41102	.....	Letter, Aug. 12, 1904; O. O., 30436-311.
Governor of New Jersey.	Oct. 7	40194	.....	First indorsement, Sept. 23, 1904; O. O., 38544-32.
Governor of Texas.	.....do.....	40194	.....	First indorsement, Sept. 22, 1904; O. O., 31133-458.
Pratt & Whitney Co.	Oct. 18	41005	.....	First indorsement, Sept. 9, 1904; O. O., 31316-178.
Governor of New Jersey.	Oct. 31	40098	.....	Third indorsement, Oct. 10, 1904; O. O., 29601-883.
E. I. Du Pont Co.	Nov. 4	41003	.....	First indorsement, Oct. 25, 1904; O. O., 31133-465.
Mr. E. B. Meyrowitz, No. 104 E. Twenty-third st., New York City.	.....do.....	39314	.....	First indorsement, Sept. 17, 1904; O. O., 33343-30.
Governor of Connecticut.	Dec. 7	39396	.....	First indorsement, Oct. 31, 1904; O. O., 38544-40.
Governor of New Jersey.	Jan. 27	38708 38941	.....	First indorsement, Dec. 2, 1904; O. O., 28553-145.
Quartermaster, U. S. Marine Corps.	Feb. 10	35974	.....	First indorsement, Jan. 19, 1905; O. O., 31133-475.
Harrington & Richardson Arms Co.	.....do.....	40050	12	Third indorsement, Jan. 24, 1905; O. O., 31628-418.
Mr. F. K. Young, New York City.	Feb. 15	67484	.....	Third indorsement, Feb. 8, 1905; O. O., 38544-54.
Governor of Oregon.	Mar. 1	38955	.....	First indorsement, Feb. 4, 1905; O. O., 38351-26.
Ideal Manufacturing Co., New Haven, Conn.	Mar. 13	26230 40125 39936	.....	First indorsement, Feb. 1, 1905; O. O., 25984-80.
Governor of New Jersey.	Mar. 16	.....	40	First indorsement, Mar. 7, 1905; O. O., 38544-59.
Mr. John Adrian, Chicago, Ill.	Mar. 20	.....	100	Third indorsement, Mar. 1, 1905; O. O., 31133-483.
Mr. W. D. Condit, Philadelphia, Pa.	Mar. 25	.....	24	Second indorsement, Mar. 14, 1905; O. O., 38544-62.
Mr. F. K. Young, New York City.	Mar. 27	40838	.....	Letter, Oct. 20, 1904; O. O., 38544-33.
Mr. H. C. Wilson, New York City.	Apr. 7	39475	.....	First indorsement, Mar. 13, 1905; O. O., 38351-30.
United States Cartridge Co., Lowell, Mass.	June 1	91	.....	Letter, Mar. 16, 1905; O. O., 38544-64.
Mr. W. P. Shattuck, Minneapolis, Minn.	June 26	32	.....	First indorsement, May 13, 1905; O. O., 31550-22.
Governor of Wyoming.	Aug. 17	136221	.....	First indorsement, June 14, 1905; O. O., 38897-1.
Union Metallic Cartridge Co., Bridgeport, Conn.	Aug. 30	132507 133773 133093 134367 135831 136379	.....	First indorsement, July 8, 1905; O. O., 38490-48.
Winchester Repeating Arms Co., New Haven.	Oct. 14	144419	.....	Third indorsement, Aug. 26, 1905; O. O., 34088-25.
Mr. Chas. L. Cessna, Mandan, N. Dak.	Oct. 30	132351	.....	Fifth indorsement, Aug. 12, 1905; O. O., 38904-15.
E. I. Du Pont Co., Wilmington, Del.	Nov. 10	.....	.....	First indorsement, Aug. 11, 1905; O. O., 38544-93.

List of model of 1903 rifles issued, sold, etc.—Continued.

	Date of issue.	Model of 1903 rifles, both styles.	Cartridges.	Authority of Chief of Ordnance, United States Army.
	1905.	Number.		
United States Cartridge Co., Lowell, Mass.	Nov. 16	145662 150633 151139 152127		Third and fifth indorsements, Nov. 6 and 9, 1905; O. O., 31550-24.
Winchester Repeating Arms Co., New Haven, Conn.	Dec. 1	94671		Fifth indorsement, Nov. 10, 1905; O. O., 35618-21.
U. M. Cartridge Co., Bridgeport, Conn.	Dec. 22	39 133302		Fifth indorsement, Dec. 13, 1905; O. O., 34088-34.
Governor of New Jersey.	Jan. 6	119		First indorsement, Dec. 19, 1905; O. O., 31133-547.
Mr. John Barlow, Auburn, N. Y.	do	84		38544-102.
Chinese commissioners.	Feb. 13	204461		Letter, Feb. 6, 1906; O. O., 35255-436.
Governor of New Jersey.	Feb. 24	217		First indorsement, Feb. 3, 1906; O. O., 31133-553.
Smithsonian Institute.	Mar. 26	199695 199693		Third indorsement, May 27, 1905; O. O., 34926-40.
Mr. Chas. M. Dally, New York City.	Apr. 2	125626		First indorsement, Mar. 17, 1906; O. O., 38544-114.
E. I. Du Pont Co., Wilmington, Del.	do	14 222		Second indorsement, Mar. 7, 1906; O. O., 33843-131.
Governor of Ohio.	do	127010 122360 213354		First indorsement, Mar. 17, 1906; O. O., 26061-460.
Julius King Optical Co., Cleveland, Ohio.	Apr. 4	118235		Second indorsement, Mar. 13, 1906; O. O., 34355-63.
Mr. J. M. Dickinson, Chicago, Ill.	Apr. 6	120680		First indorsement, Nov. 29, 1905; O. O., 37825-71.
Governor of New York.	Apr. 20	125494		Second indorsement, Feb. 15, 1906; O. O., 38490-63.
Governor of New Jersey.	May 12	102320		First indorsement, Apr. 23, 1906; O. O., 31133-563.
Mr. D. McNiven, Pawtucket, R. I.	June 9	201349		Letter, June 2, 1906; O. O., 38544-123.
U. S. Cartridge Co., Lowell, Mass.	June 15	217358		First indorsement, June 11, 1906; O. O., 31550-29.
Governor of Vermont.	July 17	104109 217351		Letter July 6, 1906; O. O., 27943-142.
Governor of Maine.	Aug. 4	104367		First indorsement, July 24, 1906; O. O., 28880-147.
Sub Target Gun Co., Boston, Mass.	Aug. 10	104558 220295		First indorsement, July 25, 1906; O. O., 38345-44.
Total, 69		90		

In addition to the above, one special rifle made for the President of the United States.

[Inclosure No. 3.]

Names and addresses of all parties, except officers of the Army, to whom model of 1903 rifle pattern ammunition has been issued, sold, or otherwise disposed of prior to August 15, 1906.

Date.	Name.	Address.	Number of rounds.
Oct. 29, 1902	Vickers-Maxim Co.	Washington, D. C.	5,000
Mar. 6, 1903	Sir Charles Ross	Hartford, Conn.	1,000
Mar. 9, 1903	Doctor Hudson	New York, N. Y.	100
June 27, 1903	J. J. Reifgraber	St. Louis, Mo.	100
July 28, 1903	Vickers Sons Co.	London, England	5,000
Oct. 23, 1903	Hopkins & Hopkins	Washington, D. C.	10,000
Nov. 6, 1903	S. N. McClean	Cleveland, Ohio	2,000
Feb. 11, 1904	President of the United States.	Washington, D. C.	100
Mar. 9, 1904	State of Washington.	Olympia, Wash.	1,000
Apr. 26, 1904	V. P. De Knight.	Cincinnati, Ohio.	2,000
May 4, 1904	State of West Virginia.	Charleston, W. Va.	1,000
June 10, 1904	State of Maine.	Augusta, Me.	1,000
June 25, 1904	W. D. Condit	Philadelphia, Pa.	1,000
July 2, 1904	J. H. Brown	Reading, Pa.	100
Aug. 16, 1904	State of Pennsylvania.	Harrisburg, Pa.	1,000
Aug. 31, 1904	Hon. Elihu Root	Washington, D. C.	500
Oct. 10, 1904	State of Texas.	Austin, Tex.	1,000
Oct. 15, 1904	V. P. De Knight.	Cincinnati, Ohio	2,000
Jan. 17, 1905	C. F. Armstrong	New York, N. Y.	100
Jan. 28, 1905	President of the United States.	Washington, D. C.	100
May 1, 1905	W. D. Condit	Philadelphia, Pa.	500
May 31, 1905	Winchester Repeating Arms Co.	New Haven, Conn.	200
June 12, 1905	Gen. Wm. B. Rochester	New York, N. Y.	1,000
July 5, 1905	Winchester Repeating Arms Co.	New Haven, Conn.	1,000
Aug. 18, 1905	Hon. Otto Gramm	Laramie, Wyo.	300
Sept. 5, 1905	W. D. Condit	Philadelphia, Pa.	500
Jan. 22, 1906	V. P. De Knight.	Cincinnati, Ohio	1,000
Mar. 27, 1906	State of Ohio	Columbus, Ohio	3,000
Apr. 14, 1906	D. M. Dickinson	Chicago, Ill.	200
May 2, 1906	Rekyltriffl Syndikat	Copenhagen, Denmark	3,000
Do.	Deutsche Waffen und Munitions Fabriken.	Karlsruhe, Germany	1,000
May 4, 1906	Jno. Barlow	Auburn, N. Y.	50
July 10, 1906	State of New Jersey	Trenton, N. J.	1,000

WAR DEPARTMENT,
Washington, January 11, 1907.

MEMORANDUM FOR THE CHIEF OF ORDNANCE.

Please examine, and have Captain Rice examine, the shells and cartridges and the undischarged cartridges and the bullets which Mr. Purdy will show you, and state, first, whether you can tell by the marks on them whether the shells are those manufactured exclusively for the Government.

Secondly, whether, in your opinion, the three bullets shown to you could have come from the Springfield rifle, model of 1903, and whether they could have come from any other rifle which you know of.

Third, whether the bandoleer shown you by Mr. Purdy is the bandoleer in use in the service and manufactured for the Government, and what your information is as to the fact whether such bandoleers are manufactured for anybody but the Government.

WM. H. TAFT, Secretary of War.

[Indorsement.]

OFFICE OF THE CHIEF OF ORDNANCE.

Washington, January 12, 1907.

1. Respectfully returned to the honorable the Secretary of War, with the information that the empty shells, undischarged cartridges, and bullets referred to within, have been carefully examined. The empty cases are marked on the base as having been manufactured at the Frankford Arsenal, and by the Union Metallic Cartridge Company. The former place manufactures only for the Government, and the shells manufactured by the Union Metallic Cartridge Company are marked on the base with the date of manufacture, which indicates that they were furnished to the United States under contract, since the officials of that company have stated to Captain Rice that no similar cartridge cases among the small number they have sold to the trade were marked with the date. There is, therefore, no reasonable doubt of the fact that these cartridge cases were manufactured for and furnished to the Government.

2. The three bullets referred to within could have come from the model of 1903 rifle, commonly known as the "new Springfield," and they could also have come from the so-called "Krag rifle," the size of the bullet being identical for the two arms and the rifling being the same, thus leaving the same marks on the jacket of the bullet. If taken in connection with the cartridge cases referred to above, however, the Krag rifle would be eliminated, since these cases can not be used in that arm, because it has a smaller chamber than the new Springfield and because it is arranged for the use of a cartridge case with a flanged head instead of one with a cannelured or rimless head, as is the case with the ammunition for the model of 1903 gun. The bullets could not have come from any arm of which I know except the two enumerated above, since the only rifle manufactured in this country, so far as investigation has disclosed, which has the same form of chamber as the model of 1903 rifle is the model of 1895 Winchester. 438 of which have been chambered for this ammunition. These bullets could not have been fired from this rifle, since it has six lands instead of four, as shown by the marking on the bullets. Two Lee rifles have been manufactured having chambers that will take the model of 1903 ammunition, one of which is still in the hands of the manufacturers and the other in the hands of one of their employees.

3. The bandoleer referred to is of the design used in service, and from the markings was manufactured for model of 1903 ammunition by the Union Metallic Cartridge Company in January, 1906. As the cartridge cases referred to above as manufactured by this company were dated December, 1905, it is not improbable that they may have been packed in the bandoleer referred to. This department has never known of the manufacture of such bandoleers, except for the use of the Government, and so far as known no one else has any use for such bandoleers.

WILLIAM CROZIER,
Brigadier-General, Chief of Ordnance.

John H. Rice was first duly sworn by Maj. A. P. Blocksom, and, upon being examined by Mr. Purdy, testified as follows:

Q. You are a captain in the United States Army?—A. Yes.

Q. How long have you been connected with the Army?—A. Since June 15, 1889.

Q. In what department of the Army are you employed at the present time?—A. Ordnance Department.

Q. How long have you been connected with the Ordnance Department of the United States Army?—A. Since November, 1898.

Q. During that time will you state, Captain, in a general way, what your duties have been in that Department?—A. I have been on duty at the gun factory at Watervliet Arsenal for about six months; at the Sandy Hook proving ground for about two years; at the Manila Ordnance depot for something over two years; on inspection duty for a little more than two years, and since last April on duty in the office of the Chief of Ordnance in the city of Washington.

Q. I will ask you, Captain, if you are familiar with the rifle known as the "new Springfield rifle" and now in use in the United States Army?—A. I am.

Q. Will you state, Captain, about how long that rifle has been in use by the troops?—A. About eight months.

Q. What was the rifle used by the United States Army before the new Springfield rifle was adopted?—A. It is an arm commonly known as the "Krag rifle" adopted some little time before the Spanish war.

Q. Will you go on now, Captain, and describe the bore of these two rifles and any other characteristics which you think of that are peculiar to these two guns?—A. The bores are practically identical as regards rifling, each having four lands, 0.06 inch wide, the depth of groove or height of land is 0.004. The Krag rifle barrel is longer than that of the new Springfield rifle and the chamber is different in size, being smaller in the Krag, so that the cartridge for the model of 1903, commonly known as the "new Springfield," will not enter the chamber of the Krag rifle by about 1 inch. It is, therefore, impossible to use the model of 1903 ammunition in the Krag rifle on this account, as well as because the Krag rifle is constructed to use a flanged cartridge case, while the model of 1903 rifle uses a cannelured case, which is commonly termed "grooved."

Q. Will you describe, Captain, the markings which appear upon bullets fired from the new Springfield rifle and the Krag-Jørgensen rifle?—A. They are identical. The bullet is marked with four grooves of slight depth corresponding to the lands of the rifling and making a slight spiral from the base toward the point of the bullet.

Q. Now, Captain Rice, I want to show you these shells, four clips, and these six ball cartridges which have been identified as having been picked up in the streets of the city of Brownsville by different persons

on the morning of the 14th of August, 1906, and ask you if you know what kind of ammunition they are?—A. The clips are for the model of 1903 ammunition manufactured either for or by the Government for use in its model 1903 rifle, and after considerable investigation of the subject I feel sure that they can not be used with any other arm to be found in this country. The cartridge cases are for model of 1903 Government ammunition; part of them were manufactured at the Frankford Arsenal and Gun Factory, which produced material only for the use of troops, and the remainder were manufactured by the Union Metallic Cartridge Company, evidently in accordance with a contract with the United States Government and for delivery to the Government. The cases are identified as for the 1903 rifle by their shape and size, as well as the fact that they are cannellured. Their place of manufacture is indicated by marking on the base of the shell. Those from the Union Metallic Cartridge Company may be distinguished from any similar cases manufactured by them for commercial use by the date being stamped in, which is not the case with their commercial material.

Q. I will now ask you, Captain Rice, whether this ammunition I have shown you, including the ball cartridges and empty shells, is capable of being used in the Krag-Jørgensen rifle?—A. It is not; because the cases are not the right size for the chamber, and they are cannellured and could not be used in a gun made to take a flanged case.

Q. Do you know of any rifle in which this ammunition which I have shown you can be used other than the new Springfield rifle?—A. It will fit the Winchester rifle, model of 1895, when specially chambered—only 438 have been thus changed—but could not be used satisfactorily in that arm, because the blow of the firing pin is not sufficiently strong to discharge the primer. There have also been manufactured two Lee rifles chambered for this ammunition, one of which is still in the hands of the manufacturer and the other is in the hands of an employee, and was specially manufactured for him.

Q. Do you know, Captain, of any other rifles besides those which you have mentioned which will use this ammunition which I have shown you?—A. I do not. I have recently investigated the subject and consulted the leading manufacturers in this country, and none of them knew of any other arm than those to which I have already referred that could take this ammunition.

Q. Now, with reference to the 1895 model of the Winchester rifle which you state, as I remember, will take this ammunition. I will ask you, Captain, how many lands are contained in the bore of the 1895 model Winchester rifle which will take this ammunition?—A. There are six of a width almost twice that of the lands of the model of 1903 rifle.

Q. I will now show you, Captain Rice, a bullet offered in evidence in connection with the testimony of Miss Gertrude Cowen, who was recently examined by me in the city of Brownsville, which bullet is alleged to have been found between the plate-glass mirror and the backing thereto in the wardrobe of the Cowen house on the same day upon which Miss Cowen was examined. I will ask you to examine this bullet and state what kind of a rifle, in your opinion, that bullet was fired from, and the kind of ammunition of which it was a part?—A. There is no question in my mind but that it was fired from a model of 1903 rifle or a model of 1898, known as the Krag rifle, since the marks of the rifling are such as are made by these two arms, and to the best of my belief made only by them.

Q. If this bullet is a part of one of the shells, or a similar shell, which I have shown you as having been picked up on the streets of the city of Brownsville on the day after the shooting affray, I will ask you whether it could have been fired from a Krag rifle?—A. It could not.

Q. Will you give your reasons for so stating?—A. If the bullet were assembled in the case to which you refer, the cartridge could not be inserted in the Krag gun from which it follows that it could not have been fired in the Krag gun.

Q. Then, as I understand you, Captain, this bullet which I have shown you, in your opinion, could have been fired only from a Krag rifle, or from a new Springfield rifle, and if the bullet was originally contained in one of these shells which I have shown you, then, and in such case, the Krag rifle is eliminated, and in your judgment it was fired only from a new Springfield rifle. Is that correct?—A. It is correct, taking into consideration the fact, as previously explained, that the cases must have been either manufactured for or by the Government.

Q. I will next show you a bullet which Maj. A. P. Blocksom extracted from the dining-room door in the house of Mr. Yturria in the city of Brownsville, on the 1st day of January, 1907. After having examined this bullet, will you state, Captain Rice, what rifle or rifles, in your opinion, that bullet must have been fired from?—A. It is in exactly the same class as the one in reference to which I have just testified, and all remarks pertaining thereto apply also to this.

Q. Captain Rice, I will now show you a bullet, which Mr. Garza states in his testimony that he extracted from the wooden covering of the well in the yard of Mr. Yturria on the day after the shooting affray in Brownsville last August. I will ask you to examine this bullet and state as to what rifle or rifles, in your opinion, that bullet was fired from.—A. It is in exactly the same class as the two bullets in reference to which I have previously testified, and all remarks in reference to them apply equally to this.

Q. I will next show you, Captain, three pieces of metal, resembling bent tin, which are alleged to have been found by Mr. Garza on the floor of his dining room on the morning of August 14, the day after the shooting. Having examined these three pieces of metal, resembling bent tin, are you able to state what they are?—A. They are undoubtedly parts of cupro-nickel jackets which have been stripped from the leaden core of jacketed bullets, either the same or similar to those in reference to which I have previously testified.

Q. Captain, I will ask you whether you can account for bullets, commonly known as the steel-jacketed bullets, being fired from a rifle and retaining substantially the same form as before they were fired, while other bullets of the same kind are broken up into small particles of metal resembling bent tin?—A. It is essentially a matter of the resistance encountered by the bullet. No great deformation will result unless the resistance encountered is very considerable, in which case the stripping of the jackets is a well-known phenomenon.

Q. Captain Rice, I will now show you a bandoleer which was offered in evidence in connection with the testimony of one Juan Cerda, and which is alleged to have been picked up in the alley in the rear of the Miller Hotel, in the city of Brownsville, at about daylight on the morning of the 14th of August. After having examined this bandoleer, I will ask you to state whether or not it is similar in all respects to the bandoleer used by the United States troops.—A. It is of Government design, such as is manufactured for the model of 1903 ammunition, and is furnished the Government either by its own plant at the Frankford Arsenal or by private manufacturers working under

contract for the Government. The markings indicate that this particular bandoleer was furnished by the Union Metallic Cartridge Company in January, 1906. The cartridge cases, in reference to which I have previously testified, were manufactured by that company, as shown by the markings, in December, 1905.

JOHN H. RICE.

UNITED STATES OF AMERICA, District of Columbia, ss:

John H. Rice personally appeared before me, and, on being first duly sworn, deposes and says that he has read the foregoing testimony by him subscribed, and the same is true of his own knowledge, except as to those matters therein stated upon information and belief, and that as to those matters he believes them to be true.

JOHN H. RICE.

Subscribed and sworn to before me this 11th day of January, A. D. 1907.

A. C. CAINE,

Notary Public, District of Columbia.

WESTERN JUDICIAL DISTRICT OF MISSOURI.

Mr. GALLINGER. Mr. President, I ask that the unanimous-consent agreement be now entered upon.

The VICE-PRESIDENT. The Secretary will state the first bill in order on the Calendar.

Mr. WARNER. Mr. President—

The VICE-PRESIDENT. Does the Senator from New Hampshire yield to the Senator from Missouri?

Mr. GALLINGER. I yield to the Senator from Missouri.

Mr. WARNER. I ask unanimous consent for the present consideration of the bill (S. 7214) respecting proceedings in the courts of the United States in the western district of the State of Missouri.

The VICE-PRESIDENT. The Senator from Missouri asks unanimous consent for the present consideration of the bill indicated by him, which will be read for the information of the Senate.

The Secretary read the bill, and, there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

WASHINGTON MARKET COMPANY.

The VICE-PRESIDENT. The Secretary will state the first bill in order under the unanimous-consent agreement.

The bill (S. 6470) in relation to the Washington Market Company was announced as the first bill in order, and the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

SERVICE ON FOREIGN CORPORATIONS.

The bill (S. 7170) to amend an act relating to service on foreign corporations, approved June 30, 1902, entitled "An act to amend an act entitled 'An act to establish a code of law for the District of Columbia,'" was considered as in Committee of the Whole. It proposes to amend the act so as to read as follows:

When a foreign corporation shall transact business in the District without having any place of business or resident agent therein, service upon any officer or agent or employee of such corporation in the District shall be effectual as to suits growing out of contracts entered into or to be performed, in whole or in part, in the District of Columbia or growing out of any tort heretofore or hereafter committed in the said District.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

EXTENSION OF KENYON STREET NW.

The bill (H. R. 10843) authorizing the extension of Kenyon street NW. was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WATER SIDE DRIVE AND PARK ROAD.

The bill (H. R. 128) for the opening of a connecting highway between Water Side drive and Park road, District of Columbia, was considered as in Committee of the Whole. It directs the Commissioners of the District of Columbia to institute a proceeding in rem to condemn the land that may be necessary for connecting the north end of Water Side drive, in Kalorama Heights, just above Q street, with the south end of Park road, in Belair Heights, by a highway 60 feet wide, all in accordance with plans on file in the office of the Engineer Commissioner, District of Columbia.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

EXTENSION OF SEVENTEENTH STREET NW.

The bill (H. R. 121) authorizing the extension of Seventeenth street NW. was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

OPENING OF FESSENDEN STREET NW.

The bill (H. R. 8435) for the opening of Fessenden street NW., District of Columbia, was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

EXTENSION OF HARVARD STREET.

The bill (H. R. 14815) for the extension of Harvard street, Columbia Heights, District of Columbia, was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

EXTENSION OF FOURTH STREET NE.

The bill (H. R. 14900) to extend Fourth street NE. was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

AMENDMENT OF DISTRICT CODE.

The bill (H. R. 16944) to amend section 878 of the Code of Law of the District of Columbia was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ALLIS-CHALMERS COMPANY.

The bill (S. 7028) for the relief of the Allis-Chalmers Company, of Milwaukee, Wis., was considered as in Committee of the Whole. It proposes to pay from the appropriation for the water department, District of Columbia, extension of the high-service system, to the Allis-Chalmers Company, of Milwaukee, Wis., \$8,870, deducted by the Commissioners of the District of Columbia as a penalty, under contract No. 3047, dated November 11, 1901.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

EXTENSION OF VERMONT AVENUE.

The bill (S. 2652) for the extension of Vermont avenue from Florida avenue to Howard University was considered as in Committee of the Whole.

The bill had been reported from the Committee on the District of Columbia with an amendment, to strike out all after the enacting clause and insert:

That, under and in accordance with the provisions of sections 491a to 491n, both inclusive, of subchapter 1 of chapter 15 of the Code of Law for the District of Columbia, within ninety days after the passage of this act the Commissioners of the District of Columbia be, and they are hereby, authorized and directed to institute in the supreme court of the District of Columbia a proceeding in rem to condemn the land that may be necessary for the extension of Vermont avenue from Florida avenue to Brightwood avenue; thence, in an easterly direction to Sixth street, with a uniform width of 130 feet, the north line of said extension from Brightwood avenue to Sixth street being coincident with the north line of Howard place, in Howard University subdivision, and the name of said Howard place is hereby changed to Vermont avenue.

Sec. 2. That the sum of \$1,000, or so much thereof as may be necessary, is hereby appropriated out of the revenues of the District of Columbia, to provide the necessary funds for the costs and expenses of the condemnation proceedings taken pursuant hereto, to be repaid to the District of Columbia from the assessment for benefits when the same are collected, and a sufficient sum to pay the amounts of all judgments and awards is hereby appropriated out of the revenues of the District of Columbia.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

WASHINGTON AQUEDUCT AND THE FILTRATION PLANT.

The bill (S. 7042) to transfer jurisdiction of the Washington Aqueduct, the filtration plant, and appurtenances to the Commissioners of the District of Columbia was considered as in Committee of the Whole.

The bill had been reported from the Committee on the District of Columbia with an amendment, in section 1, page 1, line 10, after the word "Columbia," to insert "State of Virginia;" on page 2, line 13, after the word "all," to insert "existing;" on page 2, line 16, after the word "act," to insert "the cost of making said copies to be paid by said Commissioners;" and on page 3, after the word "act," to insert the following proviso:

Provided, however, That the supply of water to all buildings, parks, structures, lands, and so forth, owned or used by the United States shall be at all times free and unrestricted.

So as to make the section read:

Be it enacted, etc., That from and after July 1, 1907, the Commissioners of the District of Columbia shall have all the powers and be

subject to all the duties and limitations which under existing law are delegated to and imposed upon the Chief of Engineers of the United States Army in so far as the same relate to the jurisdiction and control over the Washington Aqueduct and its appurtenances in the District of Columbia, State of Virginia, and State of Maryland; and the said Commissioners are hereby given sole control over the Conduit road and the filtration plant, it being the intention of this act that the entire control over the Washington Aqueduct and all of its appurtenances, the filtration plant, Conduit road, all water mains, and the water-distribution system of the District of Columbia shall, on and after said date, be under the sole and exclusive jurisdiction and control of the said Commissioners of the District of Columbia, and that the Secretary of War and Chief of Engineers of the United States Army shall be relieved of all duty and responsibility in connection with all of such work; and the Secretary of War and Chief of Engineers shall, on request of the Commissioners of the District of Columbia, deliver to them all existing plans, surveys, and records, or duly certified copies thereof, deemed necessary or required by said Commissioners to enable them to discharge the duties imposed on them by this act, the cost of making said copies to be paid by said Commissioners; and all property connected with said works shall be delivered to said Commissioners; and all appropriations available for the Washington Aqueduct, District of Columbia, and its appurtenances, including the filtration plant, shall be expended under the direction and control of the Commissioners of said District, and the employees paid from said appropriations shall be transferred to the jurisdiction of the said Commissioners for assignment to such duties as may be deemed necessary to carry into effect the provisions of this act: *Provided, however,* That the supply of water to all buildings, parks, structures, lands, and so forth, owned or used by the United States shall be at all times free and unrestricted.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

SALE OF LIQUORS TO MINORS.

The bill (H. R. 23556) prohibiting the purchase or procurement, sale, gift, or disposition of intoxicating liquors to minors by unlicensed persons was considered as in Committee of the Whole.

The bill had been reported from the Committee on the District of Columbia with amendments, on page 1, line 6, after the word "disposition," to strike out the word "to" and insert "for the use of;" in line 7, after the words "twenty-one years of age," to insert "knowing him or her to be such;" and in line 11, after the word "ninety-three," to insert "or any narcotic drugs;" so as to make the section read:

That it shall be unlawful for any person not having a license in any manner to purchase or procure for, sell, give, or dispose of, or aid or assist in any manner in such purchase or procurement for, sale, gift, or disposition for the use of any person under the age of 21 years, knowing him or her to be such, any intoxicating liquor as the same is defined in the act of Congress entitled "An act regulating the sale of intoxicating liquors in the District of Columbia," approved March 3, 1893, or any narcotic drugs, except for necessary use in the case of illness when furnished by a parent or guardian or duly licensed physician, or upon the prescription of a duly licensed physician.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

The title was amended so as to read: "A bill prohibiting the purchase or procurement, sale, gift, or disposition of intoxicating liquors to or for the use of minors by unlicensed persons."

Mr. GALLINGER. Mr. President, that concludes the District bills on the Calendar.

LUMBER TRADE INVESTIGATION.

Mr. KITREDGE. I ask that Senate resolution 189, Table Calendar 21, may be taken from the table and laid before the Senate.

The VICE-PRESIDENT. The Chair lays before the Senate the resolution indicated by the Senator from South Dakota.

The resolution submitted by Mr. KITREDGE December 6, 1906, is as follows:

Resolved, That the Secretary of Commerce and Labor be, and he is hereby, authorized and instructed immediately to inquire, investigate, and report to Congress, or to the President when Congress is not in session, from time to time as the investigation proceeds, as to the lumber trade or business of the United States which is the subject of interstate or foreign commerce and make full inquiry into the cause or causes of the high prices of lumber in its various stages of manufacture from the log; and the said investigation and inquiry shall be conducted with the particular object of ascertaining whether or not there exists among any corporations, companies, or persons engaged in the manufacture or sale of lumber any combination, conspiracy, trust, agreement, or contract intended to operate in restraint of lawful trade or commerce in lumber or to increase the market price of lumber in any part of the United States.

To carry out and give effect to the provisions of this resolution the Secretary shall have power to issue subpoenas, administer oaths, examine witnesses, require the production of books and papers, and receive depositions taken before any proper officer in any State in the United States.

That the Secretary of Commerce and Labor be required to make the said investigation at his earliest possible convenience and to furnish the information above required from time to time and as soon as it can be done consistent with the performance of his public duties.

Mr. KITTREDGE. I wish to modify the resolution by striking out lines 3, 4, 5, 6, and 7, on page 2 of the printed resolution. The reason for the request is that the act creating the Department of Commerce and Labor clothed the Commissioner of Corporations with the power proposed to be conferred by the provision which I wish to have eliminated, and I do not desire that the resolution shall in any manner interfere with the anti-immunity act which became a law last winter.

The VICE-PRESIDENT. The modification will be made as requested by the Senator from South Dakota.

The SECRETARY. It is proposed to strike out of the resolution lines 3, 4, 5, 6, and 7, on page 2, in the following words:

To carry out and give effect to the provisions of this resolution the Secretary shall have power to issue subpoenas, administer oaths, examine witnesses, require the production of books and papers, and receive depositions taken before any proper officer in any State in the United States.

Mr. KITTREDGE. Mr. President, there are few articles of commerce that bear more important relation to the welfare of the people of all classes, and particularly those of small means in farming communities, than lumber in its manufactured form. It is an absolute necessity to the development of those portions of the country adapted exclusively to agriculture, as much so as food, clothing, and all other articles necessary to human comfort and even existence. The prices of such an article affect in the most vital manner the prosperity of every community in the land, both rural and urban.

For more than twenty years I have lived in a section of the country requiring the importation of all lumber that has entered into the home building of a fertile but treeless prairie. The State which I have the honor in part to represent has occupied its position in the sisterhood of States less than twenty years, but in that brief period her population has grown until it now exceeds half a million people.

I have watched the development of that country by the unremitting toil of a sturdy yeomanry, schooled by habits of industry and frugality, paying tribute to what I believe to be the most gigantic, exacting, and soulless of the trusts that oppress our people.

THE KING OF TRUSTS.

The lumber trust is the king of combinations in restraint of trade. In its far-reaching effects there is none to compare with it. It is remorseless in its grasp on the people, and the only change which it contemplates is to increase the price of its products at stated and frequent intervals without regard to cost. The consumer not only bears the burden of its aggressive policy of advancing prices, but also of the profits of intervening agencies. For him there is no escape from the avarice of this monopoly. To him the lumber trust is a tangible, living reality. When he sees these advancing prices without reference to increased cost of production, he needs no argument to convince him that the Government to which he contributes his support and renders true allegiance is derelict in its duty, unless it employs all the resources at its command to relieve him of these oppressions. The people demand this as a right and not as a favor. The trust has become so bold in its operations within the last year or two that it has eliminated in many localities all semblance of competition and from a central point controls both the wholesale and retail trade and fixes the price to the consumer.

I have in my possession uniform price lists ostensibly emanating from many different localities, but which are in fact printed from the same type, turned out by the same press, and issued from a common center. A further comparison of these lists with each other discloses the fact that prices are identically the same whether in Minnesota or Arkansas, Illinois or Texas, Indiana or Missouri, Louisiana or Ohio, or in any other portions of the country. It matters not whether these price lists are issued by the Northwestern Lumbermen's Association, of Minnesota, or the Trinity River Lumber Company, of Texas. The prices quoted by each and every one of these companies are identical in every particular. I apprehend that the Department of Commerce and Labor, with information obtainable by it, will have little difficulty in establishing the fact that the lumber trust is a verity, whose fields of operation extend from ocean to ocean and may extend from the Tropics to and beyond the Canadian border.

This evidence is but a sample of what I have collected by personal effort during the past two years.

ENORMOUS PROFITS.

That the profits of this gigantic combination are exorbitant beyond all reason, is easily demonstrated. The value of stumpage—that is, the value per thousand feet board measure of standing yellow pine timber—based on the highest price at which the Government sold its stumpage last year was \$4 per thousand. The cutting and hauling of the logs to the mill is made at an average cost not to exceed \$3.50 per thousand; any well-equipped

sawmill can put the lumber on the yard for \$1 per thousand. Add incidental expenses, \$1.50 per thousand, thus making the cost of the manufactured article \$10 per thousand feet. This lumber sold on the market during the past year at prices ranging from \$45 to \$48 per thousand feet. The difference between the cost of production and the retail price is thus found to be from \$35 to \$38 per thousand and represents the cost of transportation, the legitimate cost of doing the business, and what I conceive to be an exorbitant profit exacted by manipulation of the monopoly.

This statement is based upon the average of the outturn of a log, there being about as much superior as there is inferior to the grade taken as my basis. A log will yield about 20 per cent culls, 20 per cent first common, 20 per cent second common, 20 per cent firsts, and 20 per cent second firsts.

Another analysis of the data which I have obtained shows that it costs \$10 to manufacture the lumber at the mills and yields to the trust a profit of at least 200 per cent. According to the last census of the United States, the value of timber products in 1900 was \$566,600,000. From this the enormous profits accruing to the trust are patent.

METHODS OF THE COMBINATION.

The methods by which this trust has obtained control of the lumber business of this country are no longer necessarily a secret. It not only arbitrarily advances the prices of lumber at stated intervals, but by various means attempts to discourage independent dealers from entering its field. Failing in that, it resorts to drastic and unscrupulous methods to crush them and ruin their business.

Much of the information which I have obtained concerning this subject is of a confidential nature. For obvious reasons dealers, unwillingly in the grasp of the monopoly, are reluctant to divulge information relating to their dealings with it. All such information, however, will be easily accessible to the Department of Commerce and Labor operating under the authority and direction of Congress. The evidence already developed conclusively shows that the whole country is subdivided into territories, each of which is dominated by an association maintaining a mere shadow of independence and in complete control of such territory, subject to the direction of the trust. The retail dealers within these respective subdivisions are not permitted to compete with each other either in the same town or within the allotted territory, and the minimum price which the retailer may charge is fixed by the association. If such retailer violates any of the directions of the association he is first subjected to a system of heavy fines and penalties, and if such violations are repeated the offender is then blacklisted and finally eliminated from doing business. Such is the discipline to which all retail dealers are subjected by the association to maintain the supremacy of the trust.

Oftentimes the retail dealers in a locality are united in an association, or combination, to maintain prices higher than the minimum fixed by the trust and they are always restricted to the territory prescribed by the dominant trust. As notice to the trade, the trust issues from time to time a "Directory of Regular Retail Lumber Dealers" authorized to engage in business within a prescribed territory.

COMPETITION ELIMINATED.

But the retail dealers are not alone in the clutches of the trust. The wholesaler is subject to its domination as well. If he sells to an unauthorized dealer he is subject to boycott and other penalties.

The mill men are also subject to like domination and like discipline, although they have an association of their own subject to the parent association, which fixes prices, prescribes territory within which each member may operate and beyond which none can ship or solicit business, and are subject to penalties for violations of their agreements. Prior to this organization there was competition. Since it became effective there is none.

The latter association has an agreement with the trust by which the small mills are handicapped and eliminated from business as speedily as possible. All millwork must be purchased of the member of the association to which the particular territory is assigned. Often they compel the transaction of business through local dealers friendly to the interest of the trust, and in that event the local dealer obtains a percentage for handling it. If the transaction occurs in a locality where the retailers are in combination with each other and the purchase is made direct from the mill operating in that territory, a profit is added for the benefit of the local dealers and is divided among them.

"REGULAR" DEALERS PROTECTED.

If a contractor seeks to purchase millwork for use in a town not within the territory of the company with which he ordi-

narly deals, he can only purchase of the authorized or "regular" company. If the contractor or carpenter undertakes to manufacture millwork even on a small scale, the price of the material which he must use is at once raised to such a point as to prohibit its profitable use, and thus competition, even on a small scale, is eliminated. The wholesaler protects the authorized retailer in every instance. If a contractor attempts to purchase direct from the wholesaler, a price will not be quoted until the wholesaler has communicated with the "regular" dealer at the contractor's home for the purpose of obtaining his prices. The contractor is asked by the wholesaler to "call later," perhaps the following day; meantime the desired information is obtained, the local price is quoted by the wholesaler, and the difference between the wholesale price to the authorized retail dealer and the price quoted to the contractor is credited to the local dealer, who thus obtains the profit the same as if he had handled the business.

LOCAL COMBINATIONS.

Where authorized local dealers have an organization, a bill of lumber is never sold by a member without first advising all the other members. In such case the local dealers are permitted to charge any price above the minimum fixed by the trust. It is noticeable that no objection is ever made by the trust to an advance of prices. The offense consists in a reduction only. The customer is required to wait until all the members of the association can be advised and the dealer who by arrangement is to receive the business is assisted by his sham competitors quoting higher prices. In this way the business is distributed and "equalized."

These methods, briefly indicated, preclude the possibility of success by an independent dealer who has the temerity to embark in the lumber business without the sanction and authority of the lumber trust. He is hampered and harassed by all sorts of schemes and devices backed by the resources of an invisible, invincible power. At first the trust tries the power of persuasion to prevent him from entering the field. If he persists and embarks in business the tactics are changed and he is boldly informed that he will have a "fight on his hands." If, perchance, he is engaged in any other line of business, an attempt is made to intimidate him by threatening competition in such business.

THE INVISIBLE HAND WORKS DESTRUCTION.

The "irregular" dealer may be successful in purchasing the original stock of lumber and thus tie up his capital. Then his troubles begin. The invisible and all-powerful hand begins to work his destruction. He finds it impossible to purchase lumber which he has contracted to sell. All sorts of subterfuges are adopted to deceive and harass him. His orders with the wholesalers are not at first rejected outright, but resort to dilatory practices is made to work his ruin. The trust in that locality reduces the retail prices of lumber without regard to cost, and thus renders it impossible for the independent dealer long to continue the struggle. Exasperating delays and deceptions make success impossible for the independent dealer and the outcome of his venture is certain: He is either financially ruined or surrenders to the trust on such terms as it sees fit to impose. One of the agencies that has wrought his destruction is illustrated by the following letter issued by the trust, in confidence, to the wholesalers:

CONFIDENTIAL BLACKLIST.

[Northwestern Lumbermen's Association: Ralph H. Burnside, president, Oskaloosa, Iowa; C. E. Greef, vice-president, Eldora, Iowa; George P. Thompson, treasurer, Minneapolis, Minn.; W. G. Hollis, secretary, Minneapolis, Minn. Retail Lumbermen's Insurance Association: J. H. Queal, president, Minneapolis, Minn.; S. H. Bowman, treasurer, Minneapolis, Minn.; W. G. Hollis, secretary, Minneapolis, Minn.; E. G. Fahnestock, assistant secretary, Minneapolis, Minn.]

SECRETARY'S OFFICE, 108 LUMBER EXCHANGE,
Minneapolis, Minn., December 10, 1906.

To Shippers of Lumber to the Regular Trade.

GENTLEMEN: Please note the following for your information: Minnesota Lumber and Manufacturing Company, Minneapolis, Minn.—Attention is called to the inclosed, which is a photographic copy of their "ad" in the November issue of the American Cooperative Journal. Their address is given as Lumber Exchange, but no office number given. Inquiry discloses the fact that their mail is delivered and accepted at the office of the Burkholder Lumber Company.

Henry Neesen, Wellsburg, Iowa.—Formerly of Neesen Brothers, lumber dealers, who sold out. He has no lumber yard at Wellsburg, according to latest reports.

Gardner Lumber Company, Gardner, Iowa.—Have lately caused lumber to be shipped to Tama, Iowa, where they have no yard.

Wilkinson Lumber Company, Minneapolis, Minn.—This concern consists of L. N. Wilkinson, who advertises to sell lumber to consumers in car lots. He says he expects to fill orders out of a stock of lumber owned by one I. J. Boyum, at Park Rapids, Minn.

A. J. Aaby, Hayfield, Minn.—Has on a number of occasions professed to be going into the lumber business at Hayfield, but so far as known has never gone further than to try to secure wholesale lists and estimates.

Quammen Brothers, Britton, S. Dak.—Continue to call attention to

their methods of business by their peculiar style of advertising in the Britton papers. A house bill bought from them a short time ago was shipped to Cogswell, N. Dak. They have no yard there.

Monks & McKinley, Mankato, Minn.—Have caused a shipment to be made to consumers at Grogan, Minn., where they have no yard.

Pest Brothers, Anamosa, Iowa.—At the time of our last communication, the indications were that they were developing into retail lumber dealers, but late reports from there indicate that they are not regularly maintaining a complete stock.

C. E. Ross, Chewelah, Wash.—Ordered shingles from the coast for shipment to Parkston, S. Dak. On arrival there they were turned over to one Titus Heisinger, who sells them out at about cost. He has no yard at Parkston. Previously, Heisinger received shingles through Leuer Brothers, of Chewelah, Wash. He apparently has some friend at Chewelah who induces these mill men to act for him in placing shingle orders.

Charles Colburne, Irma, Iowa.—The following from a man recently on the ground: "When I passed through Irma, November 19, there was about 31,000 feet of lumber in stock, mostly dimension, no lath, and about 4,000 shingles. Mr. Colburne claims to be a stock, grain, coal, and lumber dealer. He owns a farm about 1 mile from the station and has been a successful stock buyer for some years. He has no lumber sheds, and only a small coal shed, which holds about one carload."

Yours, truly,

(Signed) W. G. HOLLIS, Secretary.

EFFECT OF THE BLACKLIST.

The effect of this confidential letter is illustrated by the following correspondence, from which for obvious reasons names and localities are omitted. The two letters were addressed to the same parties.

MINNEAPOLIS, MINN., January 6, 1906.

GENTLEMEN: We have your favor of January 5, inclosing order for one car of No. 1 hemlock, for which please accept our thanks.

We have just received this morning an inventory from the mill and find that in quite a number of items we are very very short. We can fill your order as follows:

100	2 x 4—10	No. 1 Hem.	\$18 & E.
100	" 16	"	"
400	" 12	"	"
400	" 14	"	"
200	2 x 6—10	"	"
200	" 12	"	"
200	" 14	"	"
200	" 16	"	"

Where we reduced the 2 x 4's 10 and 16 inch, and 2 x 6—16 to just one-half the quantity that you stated in your order, we were obliged to increase some of the other items in order to make a minimum carload and find that we can best spare 2 x 6's, 12 and 14 inch. Kindly advise us that this change is satisfactory and we will then give your order all dispatch possible.

Yours, very truly,

MINNEAPOLIS, MINN., January 9, 1906.

GENTLEMEN: We are obliged to return to you your order January 5, 1906, for one car hemlock. We sent this order to the mill, and they have returned it to us to-day with a letter stating that their business relations with another concern will not permit them to make shipment to you, or to us at _____ for delivery to you. They have no hesitancy in telling us that they have agreed with the _____ people not to ship to anyone else at _____. We called them up by long-distance telephone and maintained that we had purchased this stock from them without any reservations, and that we demanded the right to ship it wherever we pleased. They tell us that they would not load the car, and that while we own the hemlock, yet if any car was loaded for shipment to _____ that we would be obliged to come over to the mill and load it ourselves. We have made the case very plain to you and see no way under the circumstances that we can make the shipment, as they think more of the _____ business apparently than they do of ours. We have no other stock that we can get onto the Chicago, Milwaukee and St. Paul road.

Yours truly,

I submitted these letters, together with other information, to the Department of Commerce and Labor January 18, 1906, and received the following reply thereto:

DEPARTMENT OF COMMERCE AND LABOR,
BUREAU OF CORPORATIONS,
Washington, January 22, 1906.

HON. A. B. KITTREDGE,
United States Senate.

MY DEAR SENATOR: Your letter of the 18th instant was received, inclosing copies of two letters from the _____ Company.

I agree with you that the letter of January 9 seems to be of considerable importance in showing the situation, though of course, as you have noted, it is not legal evidence, because it is merely a statement by one party of what another party has told them; that is, this letter itself would not be evidence. But if the writer of the letter should testify on the stand as to the statements by the "mill" as set forth in the letter, it would seem to me to be valuable evidence tending to prove the combination which your parties allege exists.

I return the said letter herewith.

Very respectfully,

HERBERT KNOX SMITH,
Acting Commissioner.

The VICE-PRESIDENT. Will the Senator from South Dakota kindly suspend while the Chair lays before the Senate the unfinished business?

Mr. KITTREDGE. Certainly.

The VICE-PRESIDENT. It will be stated.

The SECRETARY. A bill (S. 7709) to revise, codify, and amend the penal laws of the United States.

Mr. FULTON. I ask unanimous consent that the unfinished business may be temporarily laid aside.

The VICE-PRESIDENT. Without objection, it is so ordered. The Senator from South Dakota will proceed.

Mr. KITTREDGE. Mr. President, when I first began to make inquiry into the conditions of the lumber trade in the Northwest, I found it difficult to obtain evidence respecting the operations of the trust. Since offering this resolution I have received a great mass of correspondence relating to the subject from all sections of the country. Many of the writers have related in detail their experience, both as dealers in and consumers of lumber. I have not the slightest doubt of the ability of the executive department to establish, by an abundance of competent evidence, the fact of the existence of a conspiracy, in contravention of law, affecting the lumber business.

Within the past five years the prices of lumber and timber products have been arbitrarily advanced from 100 to 500 per cent. Prices of dimension stuff have been advanced 50 per cent in the last four years. Ordinary flooring was advanced 33½ per cent during the past twelve months, and the price of oak flooring has been forced at intervals during the past two years from \$40 to \$100 per thousand feet, an advance of 150 per cent from a price which was already high. Of this latter price \$50, or upwards of 80 per cent of the net advance, is nothing better than robbery and is, in fact, the plunder of a commercial outflow.

THE TARIFF ON LUMBER.

In the early operations of the trust it was argued in explanation of advancing prices that the duty on lumber was the cause. Let us see what force there is in this argument. The Dingley tariff act of 1897 restored the lumber schedules of the McKinley Act of 1890, under which logs were admitted free, rough lumber was dutiable to the extent of \$1 per thousand feet board measure, and there was a duty of \$2 per thousand feet board measure, on lumber planed on both sides. Between 1894 and 1897, under the Wilson Act, all of these articles were admitted free. From information which I have obtained I am convinced that the lumber trust has been in successful operation without interruption for more than twenty years, during which period it has been operating with ever-increasing boldness. Had the existence of the trust been known to the framers of the tariff act of either 1890 or 1897 it is not probable that it would have been thought necessary to foster the lumber industry by a protective duty. However that may be, and whatever may have been the argument in favor of such a duty, there is no longer either necessity or excuse for its continuance. It is not the policy of this Government to foster monopolies, and while it must be apparent that the present duties are not solely responsible for the exorbitant prices of lumber, yet I am unqualifiedly in favor of their repeal.

CONSPIRACY TO EXACT TRIBUTE.

The results of my investigation during 1905 were laid before the proper Executive Department in that year. I was convinced at that time that the lumber trade in the Northwest was under the control, more or less absolute, of an illegal and oppressive combination, but I did not know then, as I believe that I have now demonstrated beyond a reasonable doubt, that the combination which holds the Northwest in its grasp is a gigantic conspiracy to exact tribute from American people, regardless of their geographical distribution. I did not know then as I now do know that the Northwestern Lumbermen's Association had its counterpart in every section of the country, each operating in territory with well defined and carefully prescribed metes and bounds, and each a counterpart of a monstrous monopoly which owns billions of acres of forest lands in fee simple, controls mills and factories, distributes their outputs, and fixes prices therefor without regard to the law of supply and demand, the cost of production, the welfare of communities or the rights of persons, and operates in flagrant defiance of the laws of Congress.

This criminal combination is a menace to the whole country on which it preys. Of all the trusts perhaps this is the only one of which it may be truthfully said that it is literally with us from the cradle to the grave. The Federal Government alone has the legal authority and judicial power to punish and dissolve it.

The VICE-PRESIDENT. The question is on agreeing to the resolution as modified.

The resolution as modified was agreed to.

EFFICIENCY OF THE ARTILLERY.

Mr. WARREN. I move to take up the bill (S. 3923) to reorganize and to increase the efficiency of the artillery of the United States Army.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been re-

ported from the Committee on Military Affairs with amendments.

The VICE-PRESIDENT. The amendments of the Committee on Military Affairs will be stated in their order.

The first amendment of the Committee on Military Affairs was, in section 6, page 4, line 9, after the word "respectively," to strike out:

Provided further, That upon the outbreak of war, or when war is imminent, the President is authorized, by and with the advice and consent of the Senate, to appoint as an officer of the Volunteer Army one second lieutenant of Coast Artillery for each company of Coast Artillery, to be selected preferably from the noncommissioned officers of that arm; and to increase the strength of the Coast Artillery by an average of three sergeants, four corporals, and thirty-four privates for each company; but the total enlisted strength of the Coast Artillery, as provided under this act, shall not exceed 26,117, exclusive of master electricians, electrician-sergeants, first class, and electrician-sergeants, second class.

And to insert:

and that the total enlisted strength of the Coast Artillery, as provided under this act, shall not exceed 19,147, exclusive of master electricians, electrician-sergeants, first class, and electrician-sergeants, second class.

So as to make the section read:

SEC. 6. That each company of coast artillery shall consist of one captain, one first lieutenant, one second lieutenant, one first sergeant, one quartermaster-sergeant, two cooks, two mechanics, two musicians, and such number of sergeants, corporals, and privates as may be fixed by the President in accordance with the requirements of the service to which it may be assigned: *Provided*, That the total number of sergeants and corporals in the coast artillery shall not exceed 1,360 and 2,040, respectively, and that the total enlisted strength of the coast artillery, as provided under this act, shall not exceed 19,147, exclusive of master electricians, electrician-sergeants, first class, and electrician-sergeants, second class.

The amendment was agreed to.

The next amendment was, in section 9, page 6, line 13, after the word "coast," to insert "artillery;" so as to read:

That on and after the approval of this act the coast artillery and the field artillery shall be permanently separated, the separation to be effected as follows.

The amendment was agreed to.

The next amendment was, in section 9, page 6, after line 14, to strike out:

All officers in the present Artillery Corps shall remain on one list as regards promotion until there shall have been filed, subject to the provisions of section 10 of this act, all vacancies to which promotion can be immediately made in the coast and field artillery combined. After such promotion they shall in each grade be assigned by the President to the coast or the field artillery according to the special aptitude for their respective services, such assignment to be permanent: *Provided*, That in making these assignments to the coast and to the field artillery the officers in each grade, taken in order of rank and beginning with the senior in that grade, shall be divided into a number of sections equal to the number of officers of that grade to be assigned to the field artillery, such sections to be in each grade as nearly equal numerically as possible; and there shall be assigned from each of these sections one officer to the field artillery and the remainder to the coast artillery. The number of officers composing a section in the grades not completely filled by promotion of the officers of the present Artillery Corps shall be determined by dividing the number of officers authorized herein for the grade in the coast and the field artillery combined by the number authorized for the grade in the field artillery: *Provided further*, That—

And to insert:

All officers in the present Artillery Corps shall remain on one list as regards promotion until sufficient promotions shall have been made, as far as the present number of officers permit, to provide in each grade, together with the officers remaining therein, the total number of officers of the grade provided for in this act for the coast and field artillery combined. After such promotion they shall, in each grade, be assigned by the President to the coast artillery or to the field artillery, according to special aptitude and qualifications and agreeably to individual preference, so far as may be practicable and for the good of the service, such assignments to be permanent; and.

The amendment was agreed to.

The next amendment was, in section 9, page 7, line 25, after the word "coast" to insert "artillery;" so as to read:

and all officers promoted or appointed in the artillery thereafter shall be commissioned as officers of the coast artillery or the field artillery, as the case may be, and shall be promoted by seniority in their own branch, subject to the provisions of the laws governing promotion in the Army at large.

The amendment was agreed to.

The next amendment was, in section 10, page 8, line 4, after the words "Sec. 10," to strike out:

That all vacancies created or caused by this act shall be filled, except as hereinafter provided, by promotion according to seniority in the present Artillery Corps, subject to examination as now prescribed by law. Of the vacancies created or caused in the grades of captain and first and second lieutenant in each branch one-fifth shall be filled in each fiscal year until the total number of officers herein provided for shall have been attained. First and second lieutenants of cavalry and infantry of longer commissioned service at the date of approval of this act than officers of artillery of corresponding grades who would otherwise be promoted under this act shall be given the option of promotion to the next higher grade in the artillery, subject to examination to be prescribed by the President.

And to insert:

That all vacancies created or caused by this act which can be filled by promotion of officers now in the Artillery Corps shall be filled by pro-

motion according to seniority, subject to examination as now prescribed by law. Of the vacancies created or caused by this act which can not be filled by promotion of officers now in the Artillery Corps, one-fifth in each branch shall be filled in each fiscal year until the total number of officers herein provided for shall have been attained.

The amendment was agreed to.

The next amendment was, in section 10, page 9, line 7, after the word "law," to strike out the following proviso:

Provided, That the number of assignments to the cavalry, Field Artillery, Coast Artillery, and infantry made each year from the graduates of the United States Military Academy shall be as nearly as practicable in the ratio of the authorized total commissioned strength of each of these arms of the service to their authorized total commissioned strength combined.

The amendment was agreed to.

Mr. WARREN. On page 4, line 7, after the word "artillery," I move to insert the words "so fixed" with a comma.

The amendment was agreed to.

Mr. KEAN. Mr. President, from the report of the committee I see that the increased cost under the bill is estimated for the first year at about \$2,000,000; that the annual increased cost will amount to about \$2,600,000 for the fifth year, and that \$5,500,000 will be expended for barracks, quarters, stables, gun sheds, etc., extending over the period of five years. I should like to have some explanation of the bill from the Senator from Wyoming.

Mr. WARREN. The actual increase for the first year is one million six hundred thousand and some odd dollars. I speak in round numbers. To be exact, \$1,689,615 for total increased cost, pay of officers and men, and all supplies.

Mr. KEAN. Then the report is inaccurate.

Mr. WARREN. The bill, the Senator will observe, has been amended.

Mr. KEAN. But the report has not.

Mr. WARREN. I am speaking of the present bill with proposed amendments. The increased cost of the artillery, coast and field, will be when all the places are filled at the end of five years \$2,500,874 per annum over and above the present cost.

The matter of five million or five and one-half million dollars for barracks really has little reference to this increase of force, because that would be approximately the estimate for the present posts and for the present force.

At the various places where there are emplacements and guns there must be barracks for the men and stables for the horses; whether men are there continually or not we must house our forces. So this increase of men does not necessarily make more places for barracks, and the barracks item can be eliminated so far as it applies strictly to this increase of men.

Mr. President, I do not wish to take a long time in presenting to the Senate what I have to say in support of the proposed increase in the Artillery Corps of the Army provided for in this bill. But we are drifting along in a way which I think is not well understood by the Congress and by the people of this country, and without oratory or undue persuasion I want, if I may, to present plain facts and conditions which are startling to me and I believe will be equally startling to the Senate.

We have been engaged for something over twenty years in the work of erecting and manning a comprehensive system of defenses for our coast lines, and in my judgment we are either running away with ourselves and spending needless amounts of money or else we are almost criminally negligent in not providing for the most essential factor in our work—the motive and governing force to utilize these expenditures along the lines for which they have been made; that is, we are not furnishing the brain and brawn, we are building emplacements and guns, but we are not providing for men to care for and handle them, until at this hour we find ourselves where we ought in justice and good faith to take an account of stock to find what we have, what we need, and what is our condition—whether we are solvent or otherwise.

AS TO OUR FORTIFICATIONS.

The Endicott Board estimated for something over \$126,000,000. Appropriations strictly under that estimate have amounted to nearly

Leaving unexpended over	53,000,000
But, Mr. President, as a matter of fact, although we have reduced the original amount by \$73,000,000, we have really expended	119,000,000
If to this we should add the unexpended balance of the estimate of the Endicott Board	\$53,000,000
And then to that the same percentage as the excess so far amounts to over	37,000,000
	90,000,000

Would be a total of 209,000,000

But within the past two years the National Coast Defense Board—a new board instituted for the purpose of reviewing the original Endicott Board plans, and making changes which later inventions and the growth of the United States seemed to make necessary, reported last March, as an addition or alternative plan, to be expended in the United States, of about \$51,000,000. Then added to this is the estimate for proposed defenses at Cuba, Porto Rico, Panama, Alaska, Hawaiian Islands, Guam, and the Philippine Islands, amounting to almost 25,000,000

And we have yet to expend	76,000,000
Add the amount absolutely expended	119,000,000

And we have in round figures 195,000,000

The following is a list of the members of the Endicott Board:

Hon. William C. Endicott, Secretary of War, president of the Board.
Brig. Gen. Stephen V. Benet, Chief of Ordnance.
Brig. Gen. John Newton, Chief of Engineers.
Lieut. Col. Henry L. Abbot, Corps of Engineers.
Capt. Charles S. Smith, Ordnance Department.
Commander W. T. Sampson, United States Navy.
Commander Caspar F. Goodrich, United States Navy.
Mr. Joseph Morgan, jr., of Pennsylvania.
Mr. Erastus Corning, of New York.

The above Board was appointed by Grover Cleveland, President.

On March 5, 1906, a new board, consisting of the following, were appointed by President Roosevelt, and termed the "National Coast Defense Board":

Hon. William H. Taft, Secretary of War, president of the board.
Lieut. Gen. Adna R. Chaffee, Chief of Staff.
Maj. Gen. George L. Gillespie, Assistant Chief of Staff.
Brig. Gen. Adolphus W. Greely, Chief Signal Officer.
Brig. Gen. William Crozier, Chief of Ordnance.
Brig. Gen. John P. Story, Chief of Artillery, General Staff.
Brig. Gen. Alexander Mackenzie, Chief of Engineers.
Capt. Charles M. Thomas, U. S. Navy.
Capt. Charles S. Sperry, U. S. Navy.
Maj. George W. Goethals, General Staff, will act as secretary of the board.

Subsequent retirement of officers caused some changes.

Now, Mr. President, with nearly \$120,000,000 already expended and \$76,000,000 or more to expend as already estimated for, we have as yet made almost no preparation for caring for the objects of these expenditures or for their use should occasion arise. It is obvious that this expenditure is unnecessary, of no value, and foolish unless we are going to care for it, support it, and be in constant readiness to use it. It takes men to put in motion, keep in motion, and make available the guns and projectiles.

We would require, when these works are completed, for a full complement, for one shift of men only, inside and outside the United States:

Officers	2,277.	Enlisted men	55,110.	Total	57,387.
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For fortifications located entirely within the United States proper:

Officers	1,985.	Enlisted men	47,709.	Total	49,694.
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We have not yet finished works which will require the maximum number, but we have arrived at a point in our construction where we require to handle guns already in place and under process of construction—

Officers	1,754
Enlisted men	41,833
Total	43,587

These figures are based upon the number required for one shift only, no allowance being made for sick, wounded, reserves, or supports.

When the Endicott Board reported, it was then known that we would require some 40,000 men for the defenses which they had recommended, while at that time (1885) we had in the artillery only the following:

Officers	280
Enlisted men	2,770
Total	3,050

THE PRESENT ORGANIZED FORCE FOR COAST AND ARTILLERY IS—

Officers	651
Enlisted men	18,290
Total	18,941

Of these, 14,278 men are coast and 4,612 are field.

I may say here that the submarine mines, torpedo defenses, etc., have lately been taken from the Engineer Corps and added to the Coast Artillery, but in making the change we made no provision for a force to handle them. Now, this bill proposes an increase of—

Officers	296
Enlisted men:	
Coast Artillery	5,043
Field Artillery	998
Total	6,337

An aggregate increase of 6,337 officers and men. And besides increasing the number of men it creates some special grades of experts in the Coast Artillery, with adequate pay.

THE MAXIMUM OF ARTILLERY UNDER THIS PROPOSED BILL WOULD BE FOR COAST AND FIELD—

Officers	947
Enlisted men	24,331
Total	25,278

Under the present law the President could increase the Field Artillery by adding enlisted men, 755.

Under the proposed new law the President might increase the Field Artillery by—

Privates	1,620
Noncommissioned officers, mechanics, and musicians	360
Total	1,980

Any increase above this, even in the time of war, would require action by Congress.

Of course it is not expected that all of our defenses in all parts of the country would be under fire at once, and it is fair to presume that we could move men from the Atlantic to the Pacific coast or from the Pacific to the Atlantic coast should an attack be made from one side only, with sufficient notice beforehand. But this would take time and great risk, and we certainly ought to have a fair proportion of all our guns in place and manned sufficiently to utilize them.

At the time the Endicott Board was ordered we were practically without any defenses. We had, in all, five regiments of artillery, this strength having been fixed at the close of the civil war, and, with the exception of twenty privates to each battery, this strength was maintained until 1898, when two regiments more were added. In 1899 another increase was made by adding two batteries to each regiment, and in 1901 the present Artillery Corps was organized—126 companies of Coast Artillery and 30 batteries of Field Artillery. Our present condition is that, with 393 batteries now constructed, only 125 have troops assigned to them and are in commission and the balance, 268, are out of commission and in the hands of caretakers—less than one-third the number of officers required and slightly over one-third the number of men. If we were drawn into battle to-morrow but one-third of our batteries could be put in action, and those put in action could fight with only from 50 to 75 per cent of their guns.

The increase asked for is to be gradual as to officers, extending over five years, one-fifth each year, the enlisted men being taken on at once, providing we are fortunate enough to secure the enlistment of competent men.

Mr. BACON. Mr. President—

The VICE-PRESIDENT. Does the Senator from Wyoming yield to the Senator from Georgia?

Mr. WARREN. I do.

Mr. BACON. If the Senator from Wyoming will permit me in that connection, I will say that, as I recollect the act for the permanent military establishment, it limited the total military strength of the Army in all branches.

Mr. WARREN. Yes.

Mr. BACON. And, as I understand this bill, it provides that the total number of enlisted men shall not be increased.

Mr. WARREN. That the maximum of the Army shall not be increased.

Mr. BACON. Yes. So that the effect of this bill, so far as the enlisted men are concerned, is not to increase the numerical size of the present military establishment, but simply to provide that such number of them as is indicated in this bill shall be of the artillery arm. Is not that correct?

Mr. WARREN. That is correct.

Mr. BACON. And the only increase is in the matter of officers and of other things essential for the proper maintenance, discipline, and sustenance of these particular men?

Mr. WARREN. That is right. I will give the exact number of the increase, if the Senator would like to know it. At the end of five years there will be in the artillery, field and coast,

296 increase in number of officers and 6,337 increase in number of enlisted men, including noncommissioned officers, etc.

Mr. KEAN. But does not that increase the Army?

Mr. BACON. As I understand the Senator from Wyoming it will not be an increase of the Army.

Mr. WARREN. It does not increase the maximum strength of the Army as provided by law. It does not raise the maximum.

Mr. BACON. The last statement of the Senator that there would be an increase of over 6,000, then, is not what he intended?

Mr. WARREN. It increases the artillery branch of the Army; that proportion which under the law as at present is allowed to the artillery.

Mr. BACON. Exactly.

Mr. WARREN. It increases the Coast Artillery and Field Artillery.

Mr. BACON. It does not include the Field Artillery in the matter of officers.

Mr. WARREN. In this connection I may say that we are short, at present, in the authorized force, nearly 25 per cent—this because of insufficient pay, etc.

Mr. President, I have in my hand a statement made, at my request, by a most competent artillery officer, covering, in some detail, figures as to past expenditures and future wants and conditions, which seems so thoroughly comprehensive, yet brief and to the point, that I shall ask permission to incorporate it in my remarks:

The present system of coast defense is founded primarily upon the report of the Endicott Board, organized by direction of Congress in 1885. That report gives the principles upon which any system of coast defense must be based and a scheme or system of defense for the various ports and harbors of the United States which the Board considered of sufficient importance to be defended.

The details of the system of defense have been modified and added to from time to time to keep pace with the advances in ordnance, electrical appliances, methods of construction, and with changes in design and armament of war vessels. The present system is, therefore, the result of a gradual development. In addition to the heavy or high-power guns and submarine mines proposed by the Endicott Board, defended ports are now equipped with rapid-fire guns, and to some extent with power plants, searchlights, and range-finding and fire-control systems, necessary adjuncts of an adequate defense to-day, though not considered so in 1886.

The estimates of the Endicott Board have, in effect, formed the basis of all appropriations heretofore made by Congress for fortifications.

Nearly two-thirds of the land armament recommended by the Endicott Board has been installed or provided for. But, since the date of the report so many conditions then existing have been materially modified, and the engines or implements of war have been so greatly improved, and others, untried or unknown, of undoubted value, developed, that, on January 31, 1905, the President organized a new board known as the National Coast Defense Board, to revise the plans of the Endicott Board and to recommend the armament fixed and floating, mobile torpedoes, submarine mines, and all other defensive appliances that may be necessary to complete the harbor defense with the most economical and advantageous expenditure of money.

The plans of the Endicott Board carried an estimate of \$126,377,800. The first appropriation made by Congress based upon these estimates was approved September 22, 1888, when \$1,950,000 was appropriated. Appropriations have continued from year to year until \$72,750,583.98 have been expended for batteries with their guns, mortars, and carriages, for submarine mines, searchlights, and for fire-control installations. The total amount of money appropriated for fortifications, based upon the Endicott Board report, is \$119,102,483.32. The difference, \$47,452,899.34, having been expended for the purchase of sites for fortifications, for gun and powder factories, for maintenance and repairs, and for ammunition, etc.

Under the plans of the Endicott Board 376 mortars, 337 heavy guns, and 587 rapid-fire guns, with their emplacements, have been provided at a cost of \$63,494,497. Submarine mines, searchlights, and power plants have been provided at a cost of \$5,718,762; range finding and fire-control at a cost of \$3,537,324, aggregating, as above indicated, some \$72,000,000. The plans of the national coast defense board were submitted to Congress on March 3, 1906. Under these plans it is proposed to add to the above defenses 88 mortars, 50 heavy guns, and 50 rapid-fire guns, at a cost of \$17,701,900; submarine mines at a cost of \$3,889,993; power plants at a cost of \$5,216,031; searchlights at a cost of \$2,897,000, and fire-control at a cost of \$9,463,053. These sums, together with the cost of cable boats, sites for fortifications, ammunition, and modernizing old emplacements, aggregate \$50,879,000.

Besides the work proposed in the United States the board proposes fortifications at Guantanamo, Guam, San Juan, Subic Bay, Manila, Honolulu, Alaska, and the Isthmian Canal, the aggregate cost of which is \$24,701,577.

Having considered what has been done and what it is proposed to do in the matter of providing material for the defense of our harbors, let us consider the parallel development of the personnel.

First. As to numbers.

Every two-gun 12-inch battery requires for its operation 3 officers and 94 men; every searchlight requires two operators; every power plant requires a fireman, an engineer, and from one to three helpers; and so on through the various elements of coast defenses. Taking up each of these elements, harbor by harbor, and battery by battery, the War Department has prepared what is called a "manning table," the summary of which I hold here. This manning table shows the number of men of each grade required for every battery, power plant, searchlight, etc., now constructed or under construction for the United States. It shows also the number of such men for the defenses projected by the National Coast Defense Board for the United States, the insular possessions, and the Isthmian Canal.

Summarized, these figures are as follows: Required for the defenses of the United States, constructed or under construction, 1,734 officers, 41,833 men; required for the additional defenses of the United States, projected by the National Coast Defense Board, 232 officers, 5,876 men;

total required for the United States, constructed or projected, 1,985 officers, 47,709 men; required for the defenses of the insular possessions and the Isthmian canal, projected by the National Coast Defense Board, 292 officers, 7,401 men; grand total required for the United States, the insular possessions, and the Isthmian canal, 2,277 officers, 55,110 men.

It should be borne in mind that these figures are based upon the actual number required for one shift, if the entire force could be mustered and marched, each man to his place. No allowance is made for sick or wounded, for reserves or supports; the figures given indicate the number of positions which will have to be filled when the defenses are manned.

In 1885, when the Endicott Board drew plans for the defenses of the United States, to man which requires 1,985 officers and 47,709 men, the artillery of the United States consisted of five regiments; in all 280 officers and some 2,770 men. This strength had been fixed in 1865 at the close of the civil war, and with the exception of the addition of 20 privates to each battery, this strength was maintained until 1898, at which time two regiments were added. In 1899 another increase was made by adding two field batteries to each regiment, and in 1901 the present Artillery Corps was organized, consisting of 126 companies of Coast Artillery and 30 batteries of Field Artillery. Under this law, 514 officers and 14,153 men are now assigned to the Coast Artillery.

These 514 officers and 14,153 men are assigned to coast defenses that require 1,774 officers and 41,833 men. What is the result? Of 393 batteries now constructed, 125 only have troops assigned to them, are in commission, and the rest, 268, are out of commission, in the hands of care takers. If we were drawn into a fight to-morrow, only one-third of our batteries could go into action, and, due to the shortage of men in the companies, many of these batteries could only fight from 50 to 75 per cent of their guns. The question naturally arises as to the wisdom of making any further appropriations for the provision of additional defenses until Congress has determined upon some means of providing men to fight the defenses already installed.

Let us consider a concrete case. For the defense of Puget Sound, the terminus of the Northern Pacific Railroad and the site of the only navy-yard on the Pacific coast that can accommodate a modern battle ship, there are now mounted 104 mortars and guns.

To operate these mortars and guns and the accompanying submarine mines, searchlights, power plants, etc., 149 officers and 3,626 men are required. There are actually on duty now in the forts on Puget Sound 27 officers and 902 men. The National Coast Defense Board says that the defenses of Puget Sound are inadequate; that the four 12-inch guns there are not powerful enough, and they propose to manufacture a new and greater caliber, a 14-inch gun, and to mount seven of these in Puget Sound, along with twenty-three others of smaller caliber. These additional defenses will require 50 additional officers and 1,168 additional men. The completed scheme would, therefore, require 199 officers and 4,794 men. There are available 27 officers and 902 men. What can possibly be the advisability of adding more guns when two-thirds of those now provided have no men to fight them, but are greased up and laid by? So much for the mere question of numbers.

I desire to now consider another phase of this matter, and that is the character of the men required to operate and care for these defenses; their qualifications, their skill, and the means that have been so far provided for securing such men and holding them in the service.

Let us go back again to 1885, when this scheme was devised, and see whether or not as developments have been made in material, as new and modern inventions have been introduced, involving the application of steam and electricity to replace hand power, suitable skilled men have been provided to operate these new complicated and expensive devices, or whether we have simply taken our old stage-coach drivers and designated them to perform the duties of locomotive engineers.

In 1885 seacoast cannon were all muzzle-loaders and were nearly all smoothbores. They were mounted upon the crudest kind of carriages and were loaded with black powder. At that time a battery of Coast Artillery consisted of a captain, three lieutenants, a first sergeant, a certain number of sergeants, corporals, and privates, two musicians, an artificer, and a wagoner. To-day the organization of a company of artillery is the same except that there has been added a company quartermaster-sergeant, and that the artificer and the wagoner, who drew the pay of corporals, are now called mechanics and get the pay of sergeants. The organization of a company of Coast Artillery to-day is essentially the same as it was before the civil war, when guns were mounted upon wooden carriages. Congress has spent more than \$5,700,000 for submarine mines, searchlights, and power plants to be used in connection therewith. How many skilled men have been provided for the operation of these mines and searchlights; how many engineers and firemen for the power plants? None; not one. Three million five hundred thousand dollars has been spent for the installation of the fire-control systems. Every company has assigned to it two fire-control stations, in each of which is mounted a \$1,500 range finder, the telescope alone being worth about \$500. How many observers, or skilled men, have been provided to operate and care for this delicate and expensive apparatus? Not one. The Coast Artillery to-day is not satisfied, as it was fifty years ago, with sergeants and corporals; what it needs is engineers, firemen, master gunners, observers, plotters, casemate electricians, gun pointers, searchlight and switchboard operators, and other expert grades to meet its particular requirements. Sergeants and corporals meet an infantry and cavalry requirement, but they do not meet a modern Coast Artillery requirement. In order to get these skilled men, it is necessary that these new grades be recognized, and that the men occupying them be given such pay that they will be attracted to the Coast Artillery service and will stay in it. It seems to me, gentlemen, as a member of the Military Committee as well as of the Appropriations Committee, that for the defenses of the United States we do not at the present time need more guns, but more men to shoot the guns we now have; that we do not need more submarine mines, but 5,000 men to lay and operate the mines we now have; that we do not need more power plants, but engineers and firemen to operate the power plants now built; that we do not need more fire-control stations, but more pay for the trained experts who manipulate this fire-control system, so that when these men are trained to the use of steam, electricity, and high-class machinery they will remain in the United States service instead of leaving or deserting it to go into civil life, where they can get value received for their services.

Mr. WARREN. I call particular attention to what is said about the shortage of men, especially as to experts. We can

not enlist up to our present allowance or maximum, because we do not pay enough. Here is the great Navy of the United States, which has always distinguished itself, but neither more nor less than the Army, in which enlisted men and noncommissioned officers are paid such compensation as the President of the United States may determine. As I understand it, the pay is fixed from time to time by the Secretary of the Navy, with the approval of the President, but in the Army we have—and I am not apologizing for using the term—an obsolete, or it should be obsolete, pay-roll scale, made up many years ago, when we were using smooth-bore, muzzle-loading guns, requiring only main strength and very little practice to load them. Everything was done by main strength. Now, that has all passed away. The mechanism about the breech of one of the cannon of to-day requires a man able to almost construct and erect a complicated piece of machinery. The men who have to take care of the power plants in these batteries, which are electrical power plants, are required to be electricians and mathematicians in the firing control. Formerly your gun was in plain sight and you had to provide in front of it such shelter as you could get for your men. It is now different; it is operated by touching a spring, and the immense gun rises from behind an embankment, and somebody, located perhaps a quarter of a mile away, will telephone down to the man underneath how to sight the gun and fire it, bringing it back and loading and firing two or three times a minute, whereas formerly it was once in five minutes, and so on. Now, the men who are enlisted must be taught to be electricians and machinists, and hence mathematicians. It takes the entire time of one enlistment to teach them, and when they get to the end of the term of enlistment, instead of reenlisting for \$15 or \$18 a month, they step out and get \$50 or \$75 or \$100 a month, as the case may be, in some machine shop or electrical works.

This bill not only provides for more men, but it provides for larger pay for these experts, so that we may have inducement for them to reenlist, and so that we may have men competent to do the work. As it is now, we are nearly 25 per cent short of the authorized force in the Coast Artillery and are totally unable to fill up the number.

Mr. BACON. Mr. President—

The VICE-PRESIDENT. Does the Senator from Wyoming yield to the Senator from Georgia?

Mr. WARREN. Certainly.

Mr. BACON. I understand, from the very lucid statement of the Senator from Wyoming, that the necessity for this legislation grows out of the fact that while infantry men and cavalry men may be improvised, as it were, to handle these guns, it requires a long and careful process of training, which can not be secured in the presence of an emergency.

Mr. WARREN. That is right. Furthermore, I wish to make this point clear: We are not raising the Coast Artillery now to anything like the number it would require if we wished to put all our artillery in operation. We are simply raising it to the point so as to have a sufficient nucleus around which we may rally men from the cavalry, from the infantry, from the State Militia, and from volunteers in case of war. But we are only attempting to care for this machinery and these guns, and to have, as I say, a nucleus around which to form an army. For instance, the estimate for the men and for the officers necessary, if we shall follow out the Endicott Board plan, or if we shall follow out the National Defense Board plan, which is a later one, would require, in order to have one relief, without anybody being sick or absent, something over 55,000 enlisted men. I think I have the correct number here. Yes; it will require of officers 2,297 and of enlisted men 56,110.

We have expended one hundred and nineteen and odd million dollars upon something that will require about \$75,000,000 more to complete; and when completed would require nearly 3,000 officers and more than 55,000 men to give one relief—not three reliefs or four reliefs, as we should have if we were really in action and in war.

Then for the fortifications which we have already got in place, Mr. President, it would require, if we were to undertake to put them into action, 41,833 enlisted men and 1,754 officers for one relief.

Of course we had when the Endicott Board made this estimate the same number that we had cut down to after the civil war. There were something less than 3,000 men—I think it was 2,770 men and 280 officers. That number has been increased from time to time until our maximum now is 14,278 enlisted men in the Coast Artillery and 4,012 in the field. The increase which we propose is for officers, 296—and it takes five years to complete that increase—and of enlisted men, 5,043 for the coast and 998 for the field, making a total of 6,337. When that is done, the maximum of artillery under the proposed law, Coast

and Field Artillery together, would be 947 officers and 24,331 enlisted men.

Under the present law the President would only be permitted to add in time of war a few privates, amounting to 755, to be exact. Under proposed law the President would have the power of adding 1,620 privates and 360 noncommissioned officers.

While the increase of men is important, the increase in pay for these experts is far more important. It might as well be understood now that we here stand and have heretofore acted like a farmer who has six horses and seven wagons, and not a harness; and when the fall crops come, he buys more horses and more wagons, but not a harness. We are engaged here in appropriating money year after year providing for guns and emplacements, the money for which is appropriated by bills which come before the Committee on Appropriations; and I happen to

be a member of the subcommittee having charge of that bill. In that we may appropriate five millions and over for more guns and more emplacements, and not a cent for the real motive power—men with which to handle them. As it is now, more than three-quarters of our guns are unused and more than two-thirds of them, I think I am safe in saying, are in charge of care takers, greased over and canvased, lying on the ground. We have in one case a gun that cost over half a million dollars, simply gummed over with grease and canvased, lying like a log of wood by the roadside.

Mr. President, I have some tables here of figures that I will ask to have inserted in my remarks.

The VICE-PRESIDENT. Without objection, permission is granted.

The tables referred to are as follows:

TABLE A.—Showing number of artillery officers and men of various grades necessary for one complete relief for the coast defenses of the United States now constructed or under construction.

[Italic figures—Mines, power, and light.]

	Penobscot River.	Kennebec River.	Portland Harbor.	Portsmouth Harbor.	Boston.	New Bedford.	Narragansett.	Eastern entrance Long Island Sound.	Eastern entrance New York Harbor.	The Narrows.	Sandy Hook.	Delaware River.	Baltimore.	Potomac River.	Hampton Roads.	Cape Fear River.	Charleston.
Colonels.....			2		2		3	2	1	2	1	1	2	1	1	1	1
Lieutenant-colonels.....			2	1	4		4	1	1		1	1			1		1
Majors.....		1	7	1	8	1	7	6	5	5	3	5	3	4	5	2	4
Captains.....		1	3	1	4	1	3	6	1	3	1	1	1	1	2	1	1
Lieutenants.....	1	1	5	3	9	1	6	10	5	3	3	5	5	2	3	1	2
		5	55	19	73	8	65	53	36	46	29	32	32	26	41	14	24
Master electricians.....			2	1	2		1	2	1	1	1	1	1	1	1		1
Sergeants-major (senior grade).....			3	1	2		3	3	1	3	2	2	1	1	2	2	1
Sergeants-major (junior grade).....		1	5	2	5	1	2	2	3	4	3	3	3	3	4	1	3
Electrician sergeants (first class).....	1	1	4	2	9	1	4	5	2	2	1	3	3	2	2	1	2
Electrician sergeants (second class).....	1	1	4	2	9	1	4	5	3	2	1	3	3	2	3	1	2
Engineers.....	3	3	9	5	16	3	9	11	4	4	2	5	5	4	4	3	4
Firemen.....	3	3	9	5	16	3	9	11	4	4	2	5	5	4	4	3	4
First sergeants.....	1	1	3	1	3	1	2	5	1	2	1	1	1	1	2	1	1
Plotters.....	1	1	4	1	4	1	4	8	2	2	2	2	2	2	1	2	1
Observers (first class).....	1	1	4	1	4	1	4	8	2	2	2	2	2	2	1	2	1
Observers (second class).....	1	1	4	1	4	1	4	8	2	2	2	2	2	2	1	2	1
Casemate electricians.....	1	1	3	1	3	1	2	5	1	2	1	1	2	1	2	1	1
Chief planters.....	1	1	3	1	3	1	2	5	1	2	1	1	1	1	2	1	1
Chief loaders.....	1	1	3	1	3	1	2	5	1	2	1	1	1	1	2	1	1
Quartermaster sergeants.....	1	1	3	1	3	1	2	5	1	2	1	1	1	1	2	1	1
Sergeants.....	4	3	23	8	25	4	23	66	12	10	12	12	7	5	10	5	6
Corporals.....	5	5	33	10	38	5	34	81	18	18	18	18	10	9	18	9	10
Musicians.....	1	1	6	2	6	2	5	10	2	4	2	2	2	2	4	2	2
Cooks*.....	1	1	13	4	15	3	13	27	7	6	6	6	4	3	6	4	4
Mechanics.....	1	1	6	2	6	1	5	10	2	4	2	2	2	2	4	2	2
Privates.....	33	32	170	59	194	30	191	573	109	107	196	113	72	61	198	57	59
	96	1,595	425	2,011	184	1,637	1,422	976	1,689	941	983	809	656	1,129	448	753	
Total officers.....	1	2	10	4	15	2	10	18	8	7	5	7	6	3	6	2	3
Total enlisted.....	60	60	306	108	363	61	320	641	175	178	164	181	126	103	180	95	104
Grand total:		147	2,278	609	2,882	274	2,370	2,079	1,401	2,407	1,341	1,390	1,175	951	1,611	634	1,079
Officers.....	1	9	107	32	133	13	115	111	71	95	58	63	60	48	75	28	47
Enlisted.....	60	207	2,584	717	3,245	335	2,690	2,720	1,576	2,585	1,505	1,571	1,801	1,054	1,791	729	1,183
Gun commanders.....		5	62	17	95	8	72	63	48	67	45	47	34	30	51	18	19
Gun pointers.....		5	62	17	95	8	72	63	48	67	45	47	34	30	51	18	19

*Includes cooks' police.

	Port Royal.	Savannah River.	Key West.	Tampa Bay.	Pensacola Bay.	Mobile Bay.	Mississippi River.	Galveston.	San Diego.	San Francisco.	Columbia River.	Puget Sound.	Fort Ward and Middle Point.	Headquarters Atlantic Division.	Headquarters Pacific Division.	War Department, Office of Chief of Artillery.	Total, gun defenses.	Total, mines, power, and light.
Colonels.....		1	1		1	1	1	1		2	1	2		1	1	1	30	4
Lieutenant-colonels.....				1				1		5		2				1	26	4
Majors.....	1	2	2	2	3	3	2	3	1	11	5	11	1				114	12
Captains.....	1	8	13	9	11	10	8	13	2	48	19	38	2			4	483	8
Lieutenants.....	1	2	2	2	3	2	2	3	2	8	3	3	4				932	51
	6	15	20	22	23	20	19	26	7	94	36	75	11					

TABLE A.—Showing number of artillery officers and men of various grades necessary for one complete relief for the coast defenses, etc.—Continued.

	Port Royal.	Savannah River.	Key West.	Tampa Bay.	Pensacola Bay.	Mobile Bay.	Mississippi River.	Galveston.	San Diego.	San Francisco.	Columbia River.	Puget Sound.	Fort Ward and Middle Point.	Headquarters Atlantic Division.	Headquarters Pacific Division.	War Department, Office of Chief of Artillery.	Total, gun defenses.	Total, mines, power, and light.
Master electricians.....		1	1		1	1	1	1		2	1	1						26
Sergeants-major (senior grade).....		1	1	1	1	1	1	1		5	1	4					44	
Sergeants-major (junior grade).....	1	1	2	2	3	3	2	3	1	11	4	8	1				87	
Electricians, sergeants (first class).....	1	1	1	2	2	2	2	3	2	6	3	3	1					74
Electricians, sergeants (second class).....	1	1	1	2	2	2	2	3		6	3	3	1					74
Engineers.....	3	4	2	4	4	4	3	5	4	11	5	6	4					153
Firemen.....	3	4	2	4	4	4	3	5	4	11	5	6	4					153
First sergeants.....	1	1	1	1	1	1	1	1	1	4	2	2	2					44
Plotters.....	1	1	2	2	1	1	1	1	1	4	2	2	2					335
Observers (first class).....	1	1	2	2	1	1	1	1	1	4	2	2	2					316
Observers (second class).....	1	1	2	2	1	1	1	1	1	4	2	2	2					316
Casemate electricians.....	1	1	1	2	1	1	1	1	1	4	2	2	2					273
Chief planters.....	1	1	1	1	1	1	1	1	1	4	2	2	2					45
Chief loaders.....	1	1	1	1	1	1	1	1	1	4	2	2	2					45
Quartermaster-sergeants.....	1	1	1	1	1	1	1	1	1	4	2	2	2					44
Sergeants.....	5	7	12	5	7	5	5	5	7	13	13	3	10					335
Corporals.....	15	42	67	48	67	61	50	70	24	316	101	252	22					2,939
Musicians.....	2	10	16	13	16	14	11	18	4	72	26	61	4					607
Cooks.....	4	4	6	3	4	3	3	4	4	13	6	6	6					89
Mechanics.....	6	22	32	22	33	31	22	37	10	149	47	120	9					693
Privates.....	57	58	193	56	71	61	54	64	59	219	101	21	99					1,401
	135	394	592	436	605	528	423	622	213	2,721	876	2,152	198					87
Total officers.....	2	3	4	3	4	3	3	4	3	15	6	1	6	1	1	1		169
Total enlisted.....	95	101	161	101	118	103	94	111	101	368	179	45	168					1,585
Grand total.....	182	556	843	639	863	768	612	894	298	3,900	1,267	3,135	278					4,970
Officers.....	10	29	40	37	42	37	33	48	13	175	67	129	20	1	1	6		1,754
Enlisted.....	277	657	1,004	740	981	871	706	1,005	399	4,268	1,446	3,180	446					41,833
Gun commanders.....	4	18	30	22	28	25	12	27	4	126	36	92	13					1,118
Gun pointers.....	4	18	30	22	28	25	12	27	4	126	36	92	13					1,118

TABLE B.—Showing the number of artillery officers and men of various grades necessary for one complete relief for the additional coast defenses of the United States recommended by the National Coast Defense Board.

[Italic figures=Mines, power, and light.]

	Portland.	Portsmouth.	Boston.	Newport.	East-entrance to Long Island.	Sandy Hook.	Chesapeake Bay.	Baltimore.	Mobile.	Pensacola.	New Orleans.	San Francisco.	Columbia River.	Puget Sound.	Total, gun defenses.	Total, mines, power, and light.
Colonels.....					1		1							1	3	1
Lieutenant-colonels.....			1		3		3								7	1
Majors.....		1	3		2		2	1	1				1	4	15	1
Captains.....	2	2	7	1	8	1	18	2	2	2	1	3	2	16	67	7
Lieutenants.....	4	5	17	2	19	2	33	5	5	4	2	5	4	28	135	6
Master electricians.....							1							1		2
Sergeants-major (senior grade).....							2							2	4	
Sergeants-major (junior grade).....							3							4	7	
Electrician sergeants (first class).....			2		3		2	1						3		11
Electrician sergeants (second class).....		1	2		3		3	1	1					3		14
Engineers.....		1	3		3		5	1	1					5		19
Firemen.....		1	3		3		5	1	1					5		19
First sergeants.....	2	2	7	1	8	1	13	2	2	2	1	3	2	10	56	3
Plotters.....	2	1	6	1	7	1	12	1	1	2	1	2	1	11	49	4
Observers (first class).....	2	1	6	1	7	1	14	1	1	2	1	2	1	12	52	4
Observers (second class).....	2	2	8	1	9	1	14	2	2	2	1	2	2	12	60	4
Casemate electricians.....							3									3
Chief planters.....							3									3
Chief loaders.....							3									3
Quartermaster-sergeants.....	2	2	7	1	8	1	13	2	2	2	1	3	2	10	56	3
Sergeants.....	14	14	53	10	62	8	106	17	15	16	8	21	14	80	438	24
Corporals.....	16	19	62	15	70	7	120	25	19	14	7	26	19	106	525	42
Musicians.....	4	4	14	2	18	2	26	5	4	4	2	6	2	19	112	6

TABLE B.—Showing the number of artillery officers and men of various grades necessary for one complete relief for the additional coast defenses of the United States recommended by the National Coast Defense Board—Continued.

	Port-land.	Port-mouth.	Boston.	New-port.	East-ern entrance to Long Island.	Sandy Hook.	Chesa-peake Bay.	Balti-more.	Mobile.	Pensa-cola.	New Or-leans.	San Fran-cisco.	Colum-bia River.	Puget Sound.	Total gun de-fenses.	Total mines, power, and light.
Cooks*.....	10	7	29	5	37	5	10	10	7	10	5	15	7	48	254	15
Mechanics.....	4	2	10	4	12	2	5	3	2	4	2	6	2	20	98	8
Privates.....	118	124	477	72	565	76	969	137	124	152	76	215	115	797	4,017	298
Total officers.....	6	8	3	3	33	3	11	8	8	6	3	8	7	1	227	15
Total enlisted.....	176	178	679	113	803	105	1,376	205	179	210	105	301	167	1,131	5,728	435
Grand total:																
Officers.....	6	8	31	3	33	3	68	8	8	6	3	8	7	50	242	
Enlisted.....	176	181	848	113	830	105	1,613	214	182	210	105	301	167	1,168	6,213	
Gun commanders.....	4	8	22	4	24	2	40	10	8	4	2	8	8	28	172	
Gun pointers.....	4	8	22	4	24	2	40	10	8	4	2	8	8	28	172	

*Includes cooks' police.

TABLE C.—Showing the number of artillery officers and men of various grades necessary for one complete relief for the coast defenses of the United States, including those now constructed, those under construction, and the additional defenses recommended by the National Coast Defense Board.

[Italic figures = Mines, power, and light.]

	Penobscot River.	Kennebec River.	Portland Harbor.	Portsmouth Harbor.	Boston.	New Bedford.	Narragansett.	Eastern entrance Long Island Sound.	Eastern entrance New York Harbor.	The Narrows.	Sandy Hook.	Delaware River.	Chesapeake Bay.	Baltimore.	Potomac River.	Hampton Roads.	Cape Fear River.	Charleston.
Colonels.....			2		2		3	3	1	2	1	1	1	2	1	1	1	1
Lieutenant-colonels.....			2	1	5		4	3	1		1	1	3			1		1
Majors.....		1	2	2	11	1	7	8	5	1	1	3	5	2	4	5	2	4
Captains.....		1	5	1	5	1	3	6	1	5	1	1	6	1	1	2	1	14
Lieutenants.....		5	5	3	11	1	6	10	5	3	3	5	5	5	5	3	1	2
Master electricians.....			2	1	2		1	2	1	1	1	1	1	1	1	1	1	1
Sergeants-major (senior grade).....		1	3	1	2		3	3	1	3	2	2	2	1	1	2	2	3
Sergeants-major (junior grade).....		1	5	2	6	1	2	2	3	4	3	3	3	3	3	4	1	3
Electrician sergeants (first class).....		1	4	2	11	1	4	8	2	2	1	3	2	4	2	2	1	2
Electrician sergeants (second class).....		1	4	3	11	1	4	8	3	2	1	3	3	4	2	3	1	2
Engineers.....		3	9	6	19	3	9	14	4	4	2	5	5	6	4	4	3	4
Firemen.....		3	9	6	19	3	9	14	4	4	2	5	5	6	4	4	3	4
First sergeants.....		1	3	1	4	1	2	5	1	2	1	1	1	1	1	1	1	1
Plotters.....		1	25	8	30	2	20	28	14	21	14	12	13	13	9	15	10	10
Observers (first class).....		1	4	1	4	1	4	8	2	2	2	2	4	2	1	4	1	9
Observers (second class).....		1	29	7	33	3	27	28	12	23	12	11	14	12	9	15	5	12
Casemate electricians.....		1	4	1	4	1	4	8	2	2	2	2	4	2	1	2	1	1
Chief planters.....		1	3	1	3	1	2	5	1	2	1	1	3	2	1	2	1	1
Chief loaders.....		1	3	1	3	1	2	5	1	2	1	1	3	2	1	2	1	1
Quartermaster-sergeants.....		1	3	1	4	1	2	5	1	2	1	1	2	1	1	2	1	1
Sergeants.....		1	25	8	30	2	20	28	14	21	14	12	13	13	9	15	5	10
Corporals.....		11	195	59	276	22	212	227	114	189	113	110	106	110	79	127	53	85
Musicians.....		1	6	2	8	2	5	10	2	4	2	2	4	2	2	4	2	2
Cooks*.....		4	49	15	65	5	44	62	29	42	28	25	26	28	18	30	11	20
Mechanics.....		2	13	4	20	3	13	27	7	6	6	10	6	10	4	6	4	4
Privates.....		6	95	31	142	11	93	119	53	92	55	52	59	55	36	60	24	40
		4	46	14	62	5	48	53	23	50	27	24	25	25	17	27	12	19
		32	170	59	321	50	191	388	109	107	106	113	136	77	61	108	67	59
		96	1,713	549	2,488	184	1,709	1,987	976	1,689	1,017	983	969	946	656	1,129	448	733
Total officers.....		2	10	4	18	2	10	18	8	7	5	7	11	6	3	6	2	3
Total enlisted.....		60	306	111	532	61	320	668	175	178	164	181	237	103	103	180	95	101
Grand total:		147	2,454	787	3,561	274	2,483	2,882	1,401	2,407	1,446	1,390	1,376	1,380	951	1,611	634	1,079
Officers.....		9	113	40	164	13	118	144	71	95	61	63	68	68	48	75	28	47
Enlisted.....		207	2,760	898	4,093	335	2,803	3,550	1,576	2,585	1,610	1,571	1,613	1,515	1,054	1,791	729	1,183
Gun commanders.....		5	66	25	117	8	76	87	48	67	47	47	40	44	30	51	18	19
Gun pointers.....		5	66	25	117	8	76	87	48	67	47	47	40	44	30	51	18	19

*Includes cooks' police.

TABLE C.—Showing the number of artillery officers and men of various grades necessary for one complete relief for the coast defenses of the United States, etc.—Continued.

	Port Royal.	Savannah River.	Key West.	Tampa Bay.	Pensacola Bay.	Mobile Bay.	Mississippi River.	Galveston.	San Diego.	San Francisco.	Columbia River.	Puget Sound.	Fort Ward and Middle Point.	Headquarters Atlantic Division.	Headquarters Pacific Division.	War Department, Office of Chief of Artillery.	Total, gun defenses.	Total, mines, power, and light.
Colonels.....		1	1		1	1	1	1		2	1	3		1	1	1	33	4
Lieutenant-colonels.....				1				1		5		2				1	33	5
Majors.....		2	2	2	3	4	2	3	1	11	6	15	1				128	13
Captains.....		1	1	1	1	1	1	1	1	5	2	2	2				66	66
Lieutenants.....		8	13	9	13	12	9	13	2	51	21	54	2			4	549	103
		2	2	2	3	3	3	3	3	8	3	4	4				1,061	
		15	20	22	27	25	21	26	7	99	40	103	11					
Master electricians.....		1			1	1	1	1		2	1	2					48	28
Sergeants-major (senior grade).....		1	1	1	1	1	1	1		5	1	6					93	
Sergeants-major (junior grade).....		1	2	2	3	3	2	3	1	11	4	12	1					83
Electrician sergeants (first class).....		1	1	2	2	2	2	3	2	6	3	6	1					86
Electrician sergeants (second class).....		1	1	2	2	2	2	3	2	6	3	6	1					166
Engineers.....		4	2	4	4	6	3	5	4	11	5	11	4					166
Firemen.....		4	2	4	4	6	3	5	4	11	5	11	4					46
First sergeants.....		1	1	1	1	1	1	1	1	4	2	2	2				390	60
Plotters.....		5	8	6	10	9	6	9	2	39	15	39	2					60
Observers (first class).....		1	2	2	1	1	1	1	1	4	2	2	2				364	60
Observers (second class).....		1	2	2	1	1	1	1	1	4	2	2	2				398	60
Casemate electricians.....		5	6	6	9	8	6	6	1	27	15	44	2				332	60
Chief planters.....		1	1	1	1	1	1	1	1	4	2	2	2					48
Chief loaders.....		1	1	1	1	1	1	1	1	4	2	2	2					46
Quartermaster-sergeants.....		1	1	1	1	1	1	1	1	4	2	2	2					46
Sergeants.....		5	8	6	10	9	6	9	2	39	15	39	2				390	46
Corporals.....		7	12	5	7	5	5	5	7	18	13	5	10					342
Musicians.....		42	67	48	83	76	58	70	24	337	115	332	22				3,362	635
Cooks*.....		9	18	9	11	9	9	9	9	35	18	5	20					92
Mechanics.....		54	82	77	100	103	71	93	32	419	150	435	32				4,283	193
Privates.....		2	3	3	2	2	2	2	2	8	4	4	4					803
		10	16	13	20	18	13	18	4	78	28	80	4					1,649
		4	6	3	4	3	3	4	4	12	6	6	6					92
		22	32	22	43	38	27	37	10	164	54	168	9					766
		8	16	11	20	17	15	13	6	71	20	83	5					3,106
		58	103	66	71	61	54	64	59	219	101	36	99					
		394	592	436	757	652	499	622	213	2,936	991	2,949	198				29,531	
Total officers.....		3	4	3	4	3	3	4	3	15	6	2	6	1	1	1	181	
Total enlisted.....		26	36	34	42	42	33	44	10	168	68	177	14			5	1,804	
Grand total:		101	161	101	118	106	94	111	101	368	179	82	168				5,300	
Officers.....		556	843	639	1,073	947	717	894	298	4,201	1,434	4,266	278				42,409	
Enlisted.....		29	40	37	48	45	36	48	13	183	74	179	20			6	1,985	
Gun commanders.....		657	1,004	740	1,191	1,053	811	1,005	399	4,569	1,613	4,348	446				47,709	
Gun pointers.....		18	30	22	28	33	12	29	4	134	44	120	13				1,286	
		18	30	22	28	33	12	29	4	134	44	120	13				1,286	

TABLE D.—Showing the number of artillery officers and men of various grades necessary for one relief for the coast defenses of United States, insular possessions, and Isthmian Canal.

[Italic figures = Mines, power, and light.]

	Guantanamo.	Pearl Harbor and Honolulu.	Colon.	Panama.	Guam.	San Juan.	Kiska Island.	Subig Bay.	Manila Bay.	Total for gun defenses.	Total for mines, power, and light.	Total for United States (Table C).	Grand total for United States, insular possessions, and Isthmian Canal.
Colonels.....	1	1	1	1				1	1	6		37	43
Lieutenant-colonels.....		1	1	1	1	1	1	1	1	8		38	47
Majors.....	1	4	3	2	1	1	1	2	3	19		141	162
Captains.....	3	2	3	1	1	1	1	2	4	18		605	707
Lieutenants.....	11	13	12	8	3	3	4	12	18	84			
	2	4	1	1	2	3	2	3	3	23			
	17	20	17	12	9	6	8	17	26	132		1,164	1,318
Master electricians.....	1	1	1				1		2		6	28	34
Sergeants-major (senior grade).....	2	1	1	1				1	2	8		48	56
Sergeants-major (junior grade).....	2	3	1	1	1		1	1	3	13		92	106
Electrician sergeants (first class).....	2	2	1	1	1	1		2	3		13	83	96
Electrician sergeants (second class).....	1	2	2	1	1	1	1	3	2		14	86	100
Engineers.....	3	2	2	2	1	1	1	3	5		20	166	186
Firemen.....	3	2	2	2	1	1	1	3	5		20	166	186
First sergeants.....	1	1	1	1	1	1	1	1	2		10		
Plotters.....	6	8	8	5	2	3	2	7	11	52		436	498
Observers (first class).....	1	2	1	1	1	1	1	1	2		11	424	487
Observers (second class).....	6	8	6	4	3	2	3	7	13	52			
	1	2	1	1	1	1	1	1	2		11		
	7	9	7	5	3	3	3	8	14	59		458	528
	1	2	1	1	1	1	1	1	2		11		
	7	10	8	6	4	3	5	8	15	66		392	469

TABLE D.—Showing the number of artillery officers and men of various grades necessary for one relief, etc.—Continued.

	Guanta- namo.	Pearl Harbor and Hon- olulu.	Colon.	Panama.	Guam.	San Juan.	Kiska Island.	Subig Bay.	Manila Bay.	Total for gun de- fenses.	Total for mines, power, and light.	Total for United States (TableC).	Grand total for United States, in- sular pos- sessions, and Isth- mian Can- al.
Casemate electricians.....	1	2	1	1	1	1	1	1	2	.....	11	48	59
Chief planters.....	1	2	1	1	1	1	1	2	2	.....	12	40	58
Chief loaders.....	1	2	1	1	1	1	1	2	2	.....	12	40	58
Quartermaster-sergeants.....	1	1	1	1	1	1	1	1	2	.....	10	.....	.....
	6	8	8	5	2	3	2	7	11	52	.....	430	498
Sergeants.....	10	7	7	9	9	7	9	15	23	.....	96	.....	.....
	56	61	62	39	26	28	26	63	84	445	.....	3,704	4,245
Corporals.....	14	16	10	9	12	10	12	20	34	.....	137	.....	.....
	67	84	81	62	37	38	37	92	99	597	.....	4,818	5,552
Musicians.....	2	5	2	2	2	2	2	2	4	.....	23	.....	.....
	12	16	15	10	6	6	7	14	23	109	.....	895	1,027
Cooks*.....	3	5	5	3	4	5	4	5	12	.....	46	.....	.....
	27	34	32	25	10	15	10	29	52	234	.....	1,842	2,122
Mechanics.....	2	.....	2	2	2	2	2	2	4	.....	18	.....	.....
	12	14	12	6	6	6	6	16	19	97	.....	858	973
Privates.....	70	102	62	56	65	55	59	131	189	.....	789	.....	.....
	567	642	590	375	214	228	213	600	918	4,347	.....	32,630	37,772
Total officers.....	6	6	4	2	3	4	3	6	9	.....	43	.....	.....
	31	39	34	24	14	11	14	33	49	249	.....	.....	.....
Total enlisted.....	119	158	104	95	106	93	100	196	299	.....	1,270	.....	.....
	777	898	831	544	314	335	315	858	1,264	6,131	.....	.....	.....
Grand total:													
Officers.....	37	45	38	26	17	15	17	39	58	292	.....	1,985	2,277
Enlisted.....	896	1,056	935	639	420	428	415	1,049	1,563	7,401	.....	47,709	55,110
Gun commanders.....	19	26	26	18	12	12	12	23	28	176	.....	1,280	1,462
Gun pointers.....	19	26	26	18	12	12	12	23	28	176	.....	1,280	1,462

*Includes cooks' police.

TABLE E.—Showing classification of enlisted men required for one relief for the coast defenses of the United States, the insular possessions, and the Isthmian Canal.

	Defenses of United States completed or under construction.			Defenses of United States projected by the National Coast Defense Board. ^a			Grand total for United States.	Defenses of insular possessions, Isthmian Canal, and Alaska.			Grand total for United States, insular possessions, and Isthmian Canal.	As provided in artillery bill. ^b		
	Gun defense.	Mines, power, and light.	Total. ^a	Gun defense.	Mines, power, and light.	Total.		Guns.	Mines, power, and light.	Total.		Gun defense.	Mines, power, and light.	Total.
EXPERTS, FIRST CLASS.														
Master electricians		26	26		2	2	28		6	6	34		26	26
Engineers		153	153		13	13	166		20	20	186		60	60
Electrician sergeants		148	148		21	21	169		27	27	196		148	148
Master gunners	85		85	7		7	92	13		13	105	42		42
Firemen		153	153		13	13	166		20	20	186		60	60
Casemate electricians		47	47		1	1	48		11	11	59		44	44
Observers (first class)	347	58	405	51	2	53	458	59	11	70	528	126	44	170
Plotters	316	58	374	48	2	50	424	52	11	63	487	126	44	170
Chief planters		45	45		1	1	46		12	12	58		44	44
Chief loaders		45	45		1	1	46		12	12	58		44	44
Gun commanders	1,118		1,118	168		168	1,286	176		176	1,462	378		378
Gun pointers	1,118		1,118	168		168	1,286	176		176	1,462	378		378
Observers (second class)	273	58	331	59	2	61	392	66	11	77	469	126	44	170
	3,257	791	4,048	501	58	559	4,607	542	141	683	5,290	1,176	558	1,734
EXPERTS, SECOND CLASS.														
Range section.														
Readers	620	116	736	110	8	118	854	125	22	147	1,001	352	116	468
Assistant plotters	1,254	232	1,486	192	16	208	1,694	208	44	252	1,946	504	232	736
Computers	414		414	62		62	476	52		52	528	168		168
Telephone and telegraph operators	1,254	147	1,401	192	16	208	1,609	208	44	252	1,861	504	147	651
Booth operators	188		188	44		44	232	52		52	284	144		144
Range keepers	471		471	67		67	538	63		63	601	183		183
B. C. telephone operators and observers	665		665	84		84	749	82		82	831	352		352
Operators for searchlight controllers	206	69	275	22	4	26	301	43		43	344	52	69	121
Tide and meteorological observers and switch-board operators	164		164	10		10	174	50		50	224	100		100
Gun section.														
Chiefs of detachments	1,205		1,205	161		161	1,366	165		165	1,531	389		389
Ammunition sergeants	923		923	98		98	1,021	93		93	1,114	284		284
Ammunition corporals	188		188	22		22	210	24		24	234	144		144
Electric-hoist operators	306		306	67		67	373	63		63	436	195		195
Telephone and telautograph operators	648		648	122		122	770	117		117	887	267		267
Chiefs of breach detail	827		827	161		161	988	165		165	1,153	389		389
First sergeants	335	44	379	55	2	57	436	52	10	62	498	126	44	170
Mechanics	758		758	100		100	858	115		115	973	252		252
Power and light sections.														
Searchlight operators		275	275		30	30	305		43	43	348		275	275
Power-plant operators		68	68		11	11	79		14	14	93		68	68
Mine section.														
Planters		358	358		16	16	374		96	96	470		358	358
Assistant casemate electricians		45	45		2	2	47		12	12	59		45	45

^a From the number of men required for new defenses projected has been subtracted the number included in the column marked (a) for Penobscot Bay and Fort Royal, which, under the recommendation of the National Coast Defense Board, are not to be defended.

^b The numbers indicated under the various second-class expert grades in this column are based upon the probable assignment to duty of the troops provided for in the bill. The bill does not establish these grades, nor does it provide extra pay for men performing these duties.

TABLE E.—Showing classification of enlisted men required for one relief for the coast defenses of the United States, etc.—Continued.

	Defenses of United States completed or under construction.			Defenses of United States projected by the National Coast Defense Board.			Grand total for United States.	Defenses of insular possessions, Isthmian Canal, and Alaska.			Grand total for United States, insular possessions, and Isthmian Canal.	As provided in artillery bill.		
	Gun defense.	Mines, power, and light.	Total.	Gun defense.	Mines, power, and light.	Total.		Guns.	Mines, power, and light.	Total.		Gun defense.	Mines, power, and light.	Total.
EXPERTS, SECOND CLASS—continued.														
Mine section—Continued.														
Launch men		44	44		2	2	46		12	12	58		44	44
Loaders		135	135		6	6	141		36	36	177		135	135
Men assigned to duties rated above as expert, first class													211	211
Total experts, second class.....	10,426	1,533	11,959	1,569	113	1,682	13,641	1,677	333	2,010	15,651	4,405	1,744	6,149
Total experts, first class	3,257	791	4,048	501	58	559	4,607	542	141	683	5,290	1,176	558	1,734
Total nonexperts.....	23,180	2,646	25,826	3,476	159	3,635	29,461	3,912	796	4,708	34,169	8,770	2,668	11,438
Grand total.....	36,863	4,970	41,833	5,546	330	5,876	47,709	6,131	1,270	7,401	55,110	14,351	4,970	19,321

Nonexperts include privates in gun and mine sections, machinists' helpers, helpers around power plants and searchlights, blacksmiths, linemen, carpenters, etc. clerks, cooks, bakers, orderlies, musicians, messengers, laborers, and bandmen.

TABLE F.—Showing armament and personnel for harbors of United States, insular possessions, and Isthmian Canal.

(Italic figures mean projected.)

Harbor.	Armament.									Personnel.							
	M 16-inch.	12-inch.	10-inch.	8-inch.	6-inch.	5-inch.	4.7-inch.	3-inch.	1.4-inch.	Defense constructed.		Projected.		Total.		Available.	
										Offi-cers.	Men.	Offi-cers.	Men.	Offi-cers.	Men.	Offi-cers.	Men.
Kennebec River					3			2		9	207			9	207		
Portland	24	7	7	8	24			3		107	2,584	6	176	113	2,760	23	656
Portsmouth	8		3	2	3			8		32	717	8	181	40	898	1	60
Boston	16	6						6		133	3,245	31	848	164	4,093	26	738
New Bedford	32	7	14	2	13	4	4	22		13	325			13	325	3	82
Newport	24	7	8		19		2	10		115	2,690	3	113	118	2,803	17	492
New London	16	6						4		111	2,720	32	830	143	3,550	19	492
New York	16	4	6	4	17	7	1	16		111	2,720	32	830	143	3,550	19	492
New York	48	26	20	10	22	7	4	34		224	5,666	3	105	227	5,771	69	1,779
Delaware River	16	8	3	2		6	2	10		63	1,570			63	1,570	13	328
Chesapeake Bay	16	4			7			10				68	1,613	68	1,613	None.	
Baltimore	8	5		3	4	4	2	10		60	1,303	8	214	68	1,517	12	328
Potomac	8		6	3	3	2	2	7		48	1,054			48	1,054	14	328
Hampton Roads	16	5	7	3	8		4	10		75	1,791			75	1,791	21	736
Wilmington	8		2	4	2	2		4		28	729			28	729	9	246
Charleston	16	2	6		5	2	2	5		47	1,153			47	1,153	10	246
Savannah	8	2		4				3		29	657			29	657	9	246
Key West	8	2	4	2	2		2	10		40	1,004			40	1,004	10	246
Tampa	8			2	4			8		37	740			37	740	6	164
Pensacola	8	2	4	2	2		2	8		42	981	6	210	48	1,191	15	410
Mobile	8			4	3		2	6		37	871	8	182	45	1,053	6	164
New Orleans	8	2															
Galveston	16		4	2	4		2	7		33	706	3	105	36	811	7	164
San Diego								4		48	1,005			48	1,005		
San Francisco	56	18	5	8	14	9		16		13	399			13	399	5	164
Columbia	8		8	3	11			5		175	4,268	8	801	183	4,569	43	1,394
Puget Sound	8	2	2		7			4	7	67	1,446	7	167	74	1,613	10	246
Puget Sound	40	4	19	3	20	8		20		149	3,626	50	1,108	199	4,794	27	902
Total										1,754	41,833	232	5,876	1,985	47,709		
Guantanamo	8	6						4						37	896		
Pearl Harbor	16	6			4									45	1,056		
Colon	16	6						7						38	933		
Panama	16	2						4						26	639		
Guam	8				4			3						17	420		
San Juan	8				6									15	428		
Kiska Island	8				6									17	415		
Subig Bay	8	4						12						39	1,049		
Manila	8	2			4			12	8					58	1,563		
Total														292	7,401		
Grand total														2,277	55,110		

Mr. McCUMBER. Mr. President—

The VICE-PRESIDENT. Does the Senator from Wyoming yield to the Senator from North Dakota?

Mr. WARREN. I do.

Mr. McCUMBER. I should like to ask the Senator, if we have so many guns that are not being used, if it would not be rather good economy to quit manufacturing more guns that we

have no use for at the present time? Why should we continue manufacturing more arms than we can possibly use? And does our extravagance in one respect justify a further extravagance?

Mr. WARREN. The Senator takes a very proper view. If we have more guns than we can handle, we ought to quit making them. But I want to draw the Senator's attention to this: We have a coast line of many thousand miles. We have al-

ways believed that we must in some manner protect that coast line. That fact became impressed upon Congress years ago until they took it up with great consideration. I have here the report of the Endicott Board. It fills two large volumes. It was a Board consisting of experts of the Army and Navy and from civil life, who took testimony all over this country and consulted with other experts in the same line in this country and abroad and decided upon a system of defenses for our coast. Congress, proceeding along the line of that report, has appropriated and expended more than \$119,000,000, and if the scheme is carried to its logical conclusion in this country and in the insular possessions it will require some \$75,000,000 more. But we have not really effective one-fourth, certainly not one-third, of the defenses, because there are no men to take care of the guns we now have.

I am not pleading, Mr. President, for more guns. I think it is a very pertinent inquiry whether or not we shall make any more guns. I am ready to quit making guns; I am ready to quit putting up emplacements; I am ready to call a halt now in proceeding under the recommendations of the Endicott Board or upon those of the later board. Certainly we ought to call a halt long enough to catch up somewhere in order that proper care may be given to the great works in which we have invested vast millions.

It only requires that a man should go to one of these batteries and see the machinery that we have planted there and how useful it is to convince him of the great need for men to care for them. I am asking here for only a small portion of what would be asked for if we were going to fully complete the manning of the various fortifications that we have now constructed and fully finished.

Mr. SCOTT. Mr. President, I feel sure that if Senators will stop to think of this bill there will not be a vote against it, either on this side or on the opposite side of the Chamber. I am sure that our friends on the other side have as great a pride in safeguarding this country against any possible attack from a foreign foe as those of us on this side have. I do not believe it requires any argument to convince even my friend, the junior Senator from Alabama [Mr. PETTUS], of the necessity for the bill.

As the Senator from Wyoming [Mr. WARREN] has said, we have guns that have cost this Government thousands and hundreds of thousands of dollars, and emplacements that we are going ahead and making every day, and yet we have not men, I might say, though it may possibly seem a little extravagant, even to cut the weeds around the emplacements that have been constructed for these great guns.

The Senator from Wyoming has ably presented the subject to the Senate. I agree with him when he says let us quit making emplacements, let us quit appropriating money for coast defenses and for the manufacture of guns unless we have men to care for the emplacements and guns and to man them in case of emergency.

We do not ask for a number of men sufficient to man these guns in case of war, but we merely ask for a number sufficient so that they may be well drilled and equipped, able to care for the guns, and to educate the militia or the men who may be suddenly called into active service to take part in the defense of our coast.

Mr. President, there is no business man in the Senate Chamber who would go on expending thousands and hundreds of thousands of dollars in the manufacture of first-class guns and in preparing emplacements for them and then have nobody to care for them. As I once before said on this floor when the bill for coast defenses and for the manufacture of arms and equipment comes before the Senate, unless provision is made for men to care for these expensive guns and emplacements, I shall do everything in my power to prevent any appropriation for the extension of the emplacements and for the manufacture of additional guns.

Mr. President, this is an important question with which we must deal. It not a theory; it is a fact that we have not got the men. As I have heretofore stated, I have visited a number of our coast defenses during the past year, and I found lying absolutely in the brush and in the weeds, because there is nobody to care for them, guns that have cost this Government \$150,000 to build. Is that the part of wisdom? I ask my friends on the other side, if it be that they look at the bill as an effort to increase the Army, to lay aside their prejudice against that proposition and give us a sufficient number of men to care for this ordnance and for these fortifications.

This is one of the most important bills that will come before the Senate at the present session, and I do hope that it will be the pleasure of the Senate to pass it without a dissenting voice.

Mr. WARREN. Mr. President, I desire to give one example.

Here is the great Puget Sound fortification. There are on the Puget Sound now, mounted, 104 mortars and guns. To operate those mortars and guns and submarine mines and searchlights and power plants, fire control, etc., requires 149 officers and 3,626 men. We only have available there 20 officers and 902 men.

Mr. KEAN. Will the Senator allow me to interrupt him for a question?

The VICE-PRESIDENT. Does the Senator from Wyoming yield to the Senator from New Jersey?

Mr. WARREN. Certainly.

Mr. KEAN. Does not the Senator from Wyoming think that light-houses are more needed on that coast than artillery?

Mr. SCOTT. We need them both.

Mr. WARREN. There has been no definite call, I think, for light-houses which has not been responded to.

Mr. FRYE. We are supplying the light-houses as fast as they ask for them.

Mr. KEAN. They have not been given.

Mr. FRYE. They have by my committee.

Mr. WARREN. There is another matter that I ought to mention. The artillery have had loaded on them, without their asking it, as I understand it, the entire submarine and torpedo planting business, etc., which formerly belonged to the engineers. It is a class of defenses that requires great care and skilled men. All that class of work has passed out from the control of the engineers over to the artillery, but we have not given the artillery the men or a dollar to take care of the additional burden. So that the increase we are now asking for is also to cover the submarine mines and torpedo defenses and all that goes with the coast defenses, as well as to provide for the Field Artillery, which is hereafter to be a part of the mobile Army.

The VICE-PRESIDENT. The bill is in the Senate and open to amendment. If no amendment be proposed, the bill will be reported to the Senate.

Mr. FRYE. Have the amendments been agreed to?

The VICE-PRESIDENT. The amendments have all been agreed to as in Committee of the Whole.

The bill was reported to the Senate as amended, and the amendments were concurred in.

Mr. KEAN. Now I ask the Senator from Wyoming if he will not let the bill go over to another time?

Mr. WARREN. Oh, no.

Mr. SCOTT. I ask the Senator from New Jersey to permit the bill to pass at this time.

Mr. WARREN. If I felt there was anyone absent who really wished to oppose the bill, and who has asked to have it passed over until present in person, or if I felt that the bill had not had the proper consideration, I certainly would not ask for a vote upon it because I seek no advantage. But I know of no Senator, either present or absent, who has requested further delay. In fact, I gave due notice some weeks ago that I would call it up and press it the very first opportunity. I therefore ask that a vote may be taken on the passage of the bill.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. KEAN. Now I enter a motion to reconsider the vote by which the bill was passed.

The VICE-PRESIDENT. The motion to reconsider will be entered.

NORTH DAKOTA STATE HISTORICAL SOCIETY.

Mr. HANSBROUGH obtained the floor.

Mr. KEAN. I move that the Senate proceed to the consideration of executive business.

The VICE-PRESIDENT. The Senator from North Dakota is entitled to the floor. Does he yield to the Senator from New Jersey?

Mr. HANSBROUGH. I have a little bill here for which I should like to have present consideration.

Mr. KEAN. I yield to the Senator.

Mr. HANSBROUGH. I ask unanimous consent for the present consideration of Senate bill 6134.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (S. 6134) providing for the conveyance to the State of North Dakota of certain tracts of land for the use and benefit of the North Dakota State Historical Society.

Mr. CULBERSON. I should like to ask the Senator in charge of the bill from what committee it comes?

Mr. HANSBROUGH. It comes with a unanimous report from the Committee on Public Lands.

Mr. CULBERSON. I was going to ask if it was a unanimous report, but the Senator has answered me.

Mr. HANSBROUGH. It is a unanimous report.

The bill was reported to the Senate without amendment, or-

dered to be engrossed for a third reading, read the third time, and passed.

LIMIT OF COST OF CERTAIN LIGHT-HOUSE TENDERS.

Mr. FRYE obtained the floor.

Mr. PERKINS. Mr. President—

Mr. FRYE. I yield to the Senator from California, who is about to make the same request I would have made.

Mr. PERKINS. I ask unanimous consent to call up for present consideration the bill (H. R. 21689) to increase the limit of cost of five light-house tenders heretofore authorized.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

GALLEN E. GREEN.

Mr. HEMENWAY. I am directed by the Committee on Military Affairs, to whom was referred the bill (H. R. 3393) granting an honorable discharge to Galen E. Green, to report it with an amendment; and I ask unanimous consent for its present consideration.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Military Affairs with an amendment, to insert at the end of the bill the following proviso:

Provided, That no pay, bounty, or other emolument shall become due or payable by virtue of the passage of this act.

The amendment was agreed to.

Mr. BACON. I should like to inquire what were the circumstances under which this soldier left the service?

Mr. HEMENWAY. I will say that the soldier left the service under the finding of a court-martial, which was afterwards set aside by the President. The soldier was paid the full amount of the pay, and the evidence shows beyond question that an error was made in the original verdict. The bill has passed the House.

Mr. BACON. I am satisfied with the statement of the Senator from Indiana. I simply wanted to know whether our action now would throw any light on the various legal propositions which have been discussed here with so much eagerness during the past two weeks.

Mr. HEMENWAY. I think not.

Mr. TALIAFERRO. The Senator from Georgia asked under what circumstances this man became detached from the Army. If I remember the case—and the Senator from Indiana will correct me if I am at fault—he was tried by court-martial for refusing to obey the orders of his superior in the face of the enemy. He was ordered to go to the front on the staff of the commanding officer, and he positively refused to obey the order.

Mr. LODGE. The Senator from Florida will excuse me. That is the Darling case; not this one. This is a mere case of a failure to issue a certificate; that is all.

Mr. TALIAFERRO. Oh! I beg pardon.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

INFRINGEMENT OF UNITED STATES PATENTS.

Mr. KNOX. I ask unanimous consent for the present consideration of the bill (S. 7676) to amend section 4919 of the Revised Statutes of the United States, to provide additional protection for owners of patents of the United States, and for other purposes.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes that the section named be amended by adding thereto, after the words "together with the costs," the following:

And whenever an invention described in and covered by a patent of the United States shall be used by the United States, without license or authority of the owner thereof, such owner may recover reasonable compensation for such use by suit in the Court of Claims: *Provided*, however, That in any such suit the United States may avail itself of any and all defenses, general or special, which might be pleaded by a defendant in an action for infringement as set forth in Title LX of the Revised Statutes.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

EXECUTIVE SESSION.

Mr. KEAN. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After ten minutes spent in executive session the doors were reopened, and (at 3 o'clock and 5 minutes p. m.) the Senate adjourned until Monday, January 21, 1907, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate January 18, 1907.

SURVEYOR OF CUSTOMS.

Henry L. Hines, of Massachusetts, to be surveyor of customs for the port of Springfield, in the State of Massachusetts. (Reappointment.)

SECRETARY OF LEGATION.

William H. Buckler, of Maryland, to be secretary of the legation of the United States at La Paz, Bolivia, to fill an original vacancy.

PROMOTIONS IN THE NAVY.

Lieut. Jerome E. Morse, United States Navy, retired, to be a lieutenant-commander on the retired list of the Navy, from the 29th day of June, 1906, in accordance with a provision in the naval appropriation act approved on that date.

Assistant Engineer Henry E. Rhoades, United States Navy, retired, with the rank of lieutenant (junior grade), to be a passed assistant engineer on the retired list of the Navy, with the rank of lieutenant (junior grade), from the 29th day of June, 1906, in accordance with a provision contained in the naval appropriation act approved on that date.

Chaplain George A. Crawford, United States Navy, retired, with the rank of commander, to be a chaplain on the retired list of the Navy, with the rank of captain, from the 29th day of June, 1906, to correct his rank as confirmed on December 11, 1906.

COMMISSIONER OF THE GENERAL LAND OFFICE.

Richard A. Ballinger, of Seattle, Wash., to be Commissioner of the General Land Office, vice William A. Richards, resigned.

REGISTER OF LAND OFFICE.

Addison T. Smith, of Boise, Idaho, to be register of the land office at Boise, Idaho, vice Harry J. Symms, term expired.

COLLECTOR OF CUSTOMS.

Daniel H. Moody, of Maine, to be collector of customs for the district of Wiscasset, in the State of Maine. (Reappointment.)

APPOINTMENTS, BY TRANSFER, IN THE ARMY OF THE UNITED STATES.

Artillery Corps.

Second Lieut. Harry L. Morse, Twenty-first Infantry, from the Infantry Arm to the Artillery Corps, with rank from June 9, 1904.

Infantry Arm.

Second Lieut. John S. Davis, Artillery Corps, from the Artillery Corps to the Infantry Arm, with rank from June 9, 1904.

POSTMASTERS.

CALIFORNIA.

Sheridan G. Berger to be postmaster at Ontario, in the county of San Bernardino and State of California, in place of Sheridan G. Berger. Incumbent's commission expired December 10, 1906.

Nora Buchanan to be postmaster at Black Diamond, in the county of Contra Costa and State of California. Office became Presidential January 1, 1907.

Pierce J. Elliot to be postmaster at Sausalito, in the county of Marin and State of California, in place of Lillian W. Thomas. Incumbent's commission expired May 19, 1906.

Crispin C. Ortega to be postmaster at Sonora, in the county of Tuolumne and State of California, in place of Crispin C. Ortega. Incumbent's commission expired January 7, 1907.

CONNECTICUT.

Thomas F. Higgins to be postmaster at Terryville, in the county of Litchfield and State of Connecticut, in place of Thomas F. Higgins. Incumbent's commission expires February 4, 1907.

IDAHO.

Orville J. Butler to be postmaster at Harrison, in the county of Kootenai and State of Idaho, in place of Orville J. Butler. Incumbent's commission expired January 13, 1907.

Olof Olson to be postmaster at Troy, in the county of Latah and State of Idaho. Office became Presidential January 1, 1907.

ILLINOIS.

Harry M. Martin to be postmaster at Shelbyville, in the county of Shelby and State of Illinois, in place of Harry M. Martin. Incumbent's commission expired December 20, 1906.

INDIANA.

Walter Bradfute to be postmaster at Bloomington, in the county of Monroe and State of Indiana, in place of Lawrence V. Buskirk, resigned.

John S. Glenn to be postmaster at Huntington, in the county of Huntington and State of Indiana, in place of William H. Hart. Incumbent's commission expired January 7, 1907.

Seward S. Watson to be postmaster at Winchester, in the county of Randolph and State of Indiana, in place of Clarkson L. Hutchens. Incumbent's commission expired June 25, 1906.

INDIAN TERRITORY.

W. S. Browning to be postmaster at Weleetka, in District Thirteen, Ind. T. Office became Presidential January 1, 1907.

IOWA.

Samuel J. Robertson to be postmaster at Fort Dodge, in the county of Webster and State of Iowa, in place of Susan C. Carpenter. Incumbent's commission expired July 1, 1906.

KENTUCKY.

Offa A. Stump to be postmaster at Pikeville, in the county of Pike and State of Kentucky, in place of John M. Bowling, resigned.

MINNESOTA.

Charles E. Fuller to be postmaster at St. James, in the county of Watonwan and State of Minnesota, in place of Charles E. Fuller. Incumbent's commission expires January 23, 1907.

John L. Grady to be postmaster at Cass Lake, in the county of Cass and State of Minnesota, in place of Charles M. Johnson, resigned.

NEBRASKA.

Will A. Needham to be postmaster at Bloomfield, in the county of Knox and State of Nebraska, in place of Will A. Needham. Incumbent's commission expires January 22, 1907.

Daniel Swanson to be postmaster at Fremont, in the county of Dodge and State of Nebraska, in place of Daniel Swanson. Incumbent's commission expired December 15, 1906.

Ira E. Tash to be postmaster at Alliance, in the county of Box Butte and State of Nebraska, in place of Ira E. Tash. Incumbent's commission expires January 22, 1907.

Lee Van Voorhis to be postmaster at Crawford, in the county of Dawes and State of Nebraska, in place of Lee Van Voorhis. Incumbent's commission expires February 11, 1907.

NEW YORK.

Warren B. Ashmead to be postmaster at Jamaica, in the county of Queens and State of New York, in place of Henry M. Haviland. Incumbent's commission expires January 22, 1907.

Hiram W. Vedder to be postmaster at Waterford, in the county of Saratoga and State of New York, in place of Hiram W. Vedder. Incumbent's commission expired January 7, 1907.

PENNSYLVANIA.

J. G. Lloyd to be postmaster at Ebensburg, in the county of Cambria and State of Pennsylvania, in place of Festus Lloyd. Incumbent's commission expired March 14, 1906.

John G. McCamant to be postmaster at Tyrone, in the county of Blair and State of Pennsylvania, in place of John G. McCamant. Incumbent's commission expires January 29, 1907.

Samuel R. McMorran to be postmaster at Aspinwall, in the county of Allegheny and State of Pennsylvania, in place of Alvin A. Hazlett, resigned.

RHODE ISLAND.

Charles S. Robinson to be postmaster at Lonsdale, in the county of Providence and State of Rhode Island, in place of Charles S. Robinson. Incumbent's commission expired December 9, 1906.

VIRGINIA.

Harry Libbey to be postmaster at Hampton, in the county of Elizabeth City and State of Virginia, in place of William H. Boyenton. Incumbent's commission expires February 4, 1907.

CONFIRMATIONS.

Executive nominations confirmed by the Senate January 18, 1907.

RECEIVER OF PUBLIC MONEYS.

John J. Lambert, of Colorado, to be receiver of public moneys at Pueblo, Colo.

PROMOTIONS IN THE NAVY.

Civil Engineer Frank O. Maxson to be a civil engineer in the Navy with the rank of captain from the 26th day of November, 1906.

Civil Engineer Richard C. Hollyday to be a civil engineer in the Navy with the rank of commander from the 26th day of November, 1906.

Civil Engineer Frank T. Chambers to be a civil engineer in the Navy with the rank of lieutenant-commander from the 26th day of November, 1906.

Boatswain John S. Croghan to be a chief boatswain in the Navy, to rank with, but after, ensign, from the 10th day of May, 1904, upon the completion of six years' service, in accordance with the provisions of an act of Congress approved March 3, 1899, as amended by the act of April 27, 1904.

Surg. John E. Page, who was promoted to fill a vacancy oc-

curing on April 20, 1904, to take rank as a surgeon from March 3, 1904, in accordance with an opinion of the Attorney-General dated April 24, 1906.

Surg. John M. Moore, who was promoted to fill a vacancy occurring on January 1, 1905, to take rank as a surgeon from March 3, 1904, in accordance with an opinion of the Attorney-General dated April 24, 1906.

Naval Constructors Daniel C. Nutting, jr., and Holden A. Evans to be naval constructors in the Navy with the rank of lieutenant-commander from the 10th day of October, 1906, to correct the date from which they take rank as confirmed on December 11, 1906.

Second Lieut. Russell B. Putnam to be a first lieutenant in the Marine Corps from the 1st day of July, 1906.

Second Lieut. Benjamin A. Lewis to be a first lieutenant in the Marine Corps from the 6th day of July, 1906.

Second Lieut. Arthur Stokes to be a first lieutenant in the Marine Corps from the 1st day of August, 1906.

Second Lieut. Benjamin S. Berry to be a first lieutenant in the Marine Corps from the 15th day of August, 1906, to correct the date of his promotion as confirmed on December 19, 1906, which is made necessary by the failure of Second Lieut. Tillman Bunch to qualify for promotion after being due therefor.

Lieut. Commander Harold P. Norton to be a commander in the Navy from the 10th day of October, 1906.

POSTMASTERS.

ARIZONA.

Frederick W. Smith to be postmaster at Williams, in the county of Coconino and Territory of Arizona.

CALIFORNIA.

Matthew W. Grace to be postmaster at Lindsay, in the county of Tulare and State of California.

CONNECTICUT.

H. Guy Linsley to be postmaster at Branford, in the county of New Haven and State of Connecticut.

ILLINOIS.

Charles D. Clark to be postmaster at Utica, in the county of LaSalle and State of Illinois.

Theodore Disosway to be postmaster at Henry, in the county of Marshall and State of Illinois.

Ulysses E. Smith to be postmaster at Metropolis, in the county of Massac and State of Illinois.

Cyrus Thompson to be postmaster at Belleville, in the county of St. Clair and State of Illinois.

Gaither C. Walser to be postmaster at West Salem, in the county of Edwards and State of Illinois.

INDIANA.

L. A. Bachelor to be postmaster at Vanburen, in the county of Grant and State of Indiana.

Arthur A. Holmes to be postmaster at Sullivan, in the county of Sullivan and State of Indiana.

W. F. Moore to be postmaster at West Baden, in the county of Orange and State of Indiana.

MAINE.

Frank L. Averill to be postmaster at Oldtown, in the county of Penobscot and State of Maine.

John M. Jewell to be postmaster at Clinton, in the county of Kennebec and State of Maine.

John M. Oak to be postmaster at Bangor, in the county of Penobscot and State of Maine.

Frank B. Purinton to be postmaster at Fairfield, in the county of Somerset and State of Maine.

MASSACHUSETTS.

Lorenzo B. Crockett to be postmaster at North Easton, in the county of Bristol and State of Massachusetts.

David L. Small to be postmaster at Harwich, in the county of Barnstable and State of Massachusetts.

MISSISSIPPI.

Annie B. Wood to be postmaster at Louisville, in the county of Winston and State of Mississippi.

MISSOURI.

John C. Lark to be postmaster at Steelville, in the county of Crawford and State of Missouri.

NEW JERSEY.

Caroline E. Condit to be postmaster at Millburn, in the county of Essex and State of New Jersey.

Marcus Mitchell to be postmaster at East Orange, in the county of Essex and State of New Jersey.

NEW YORK.

George H. Kennedy to be postmaster at Cortland, in the county of Cortland and State of New York.

OREGON.

Louis A. Githens to be postmaster at Athena, in the county of Umatilla and State of Oregon.

Fletcher E. Wilcox to be postmaster at Milton, in the county of Umatilla and State of Oregon.

PENNSYLVANIA.

John N. Brosius to be postmaster at Middleburg, in the county of Snyder and State of Pennsylvania.

Alfred W. Christy to be postmaster at Slippery Rock, in the county of Butler and State of Pennsylvania.

Jesse Oren to be postmaster at New Cumberland, in the county of Cumberland and State of Pennsylvania.

John H. Thomas to be postmaster at Carbondale, in the county of Lackawanna and State of Pennsylvania.

TENNESSEE.

Haynes O. Lee to be postmaster at Newport, in the county of Cocke and State of Tennessee.

William F. Millican to be postmaster at Rockwood, in the county of Roane and State of Tennessee.

Samuel L. Parker to be postmaster at Sparta, in the county of White and State of Tennessee.

Abraham L. Williams to be postmaster at Oliver Springs, in the county of Roane and State of Tennessee.

TEXAS.

Frank P. Varley to be postmaster at Collinsville, in the county of Grayson and State of Texas.

VIRGINIA.

Harry Libbey to be postmaster at Hampton, in the State of Virginia.

WASHINGTON.

Ernest L. Darr to be postmaster at Sumner, in the county of Pierce and State of Washington.

BRIG. GEN. LEONARD WOOD.

The injunction of secrecy was removed January 18, 1907, from the proceedings and testimony, Fifty-eighth Congress, second session, connected with the confirmation of Brig. Gen. Leonard Wood to be a major-general.

HOUSE OF REPRESENTATIVES.

FRIDAY, January 18, 1907.

The House met at 12 o'clock m.

Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of the proceedings of yesterday was read and approved.

LEGISLATIVE, EXECUTIVE, AND JUDICIAL APPROPRIATION BILL.

Mr. LITTAUER. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 21574) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1908, and for other purposes, and to disagree to all of the amendments of the Senate except one, being Senate amendment No. 222, and to agree to that with an amendment.

The SPEAKER. The gentleman from New York asks unanimous consent to take from the Speaker's table the legislative, executive, and judicial appropriation bill and to disagree to all of the Senate amendments thereto save the one indicated. Is there objection?

Mr. WILLIAMS. Mr. Speaker, reserving the right to object, I would ask the Chair to again state the request of the gentleman.

The SPEAKER. The Chair will again state. The gentleman from New York asks unanimous consent to take from the Speaker's table the legislative, executive, and judicial appropriation bill, to disagree to all of the amendments of the Senate thereto except one, as indicated.

Mr. WILLIAMS. And which is that?

Mr. LITTAUER. Amendment No. 222, being section 4, that on and after March 4, 1907, the compensation of the Speaker of the House of Representatives, etc., and as to that I shall make a separate request, in which I shall move to concur in that amendment with an amendment.

Mr. WILLIAMS. Mr. Speaker, as I understand it the gentleman moves to disagree to all of the amendments except that, and later on proposes to offer an amendment to that amendment for the consideration of the House.

The SPEAKER. The Chair understands that to be the effect of the request.

Mr. WILLIAMS. As to that I have no objection.

Mr. DRISCOLL. Mr. Speaker, the gentleman referred to this

amendment and he used the word "etc." I would like to have him read just what the "etc." is.

Mr. TAWNEY. I will say to the gentleman from New York that his colleague, Mr. LITTAUER, submits two propositions in one. The House will have to act on the first, which is to non-concur, and then he proposes to state his motion with respect to this amendment, which is not included in the first request.

Mr. DRISCOLL. But I want to know what all that is before I waive my right to object. I would like to have him read it.

Mr. LITTAUER. The amendment that is not objected to is amendment 222, being section 4, as follows:

On and after March 4, 1907, the compensation of the Speaker of the House of Representatives and the Vice-President of the United States shall be at the rate of \$12,000 per annum each.

That is the complete amendment.

The SPEAKER. Is there objection to the request of the gentleman from New York? [After a pause.] The Chair hears no objection. The Clerk will now report Senate amendment 222.

The Clerk read as follows:

Senate amendment 222: Strike out all of section 4.

Mr. LITTAUER. Mr. Speaker, I now move to concur in that amendment with an amendment thereto which I have sent to the desk and which I ask to have read.

The SPEAKER. The gentleman from New York moves to concur with the amendment of the Senate with an amendment thereto, which the Clerk will report.

The Clerk read as follows:

That the House agree to amendment of the Senate No. 222, with an amendment as follows:

Omit the matter stricken out by the said amendment and insert the following:

"That on and after March 4, 1907, the compensation of the Speaker of the House of Representatives, the Vice-President of the United States, and the heads of Executive Departments, who are members of the President's Cabinet, shall be at the rate of \$12,000 per annum each, and the compensation of Senators, Representatives in Congress, Delegates from the Territories, and the Resident Commissioner from Porto Rico shall be at the rate of \$7,500 per annum each."

The SPEAKER. The question is on the amendment.

Mr. CRUMPACKER. Mr. Speaker, I would like to have a minute or two.

Mr. LITTAUER. Mr. Speaker, I yield a minute to the gentleman from Indiana.

Mr. CRUMPACKER. Mr. Speaker, I rise to say that I am opposed to the proposition to increase the salaries of members of Congress in the manner provided in the amendment offered by the gentleman from New York, and I shall vote against it.

Mr. LITTAUER. Mr. Speaker, I yield two minutes to the gentleman from Massachusetts [Mr. GILLETT].

Mr. GILLETT. Mr. Speaker, I would like to offer an amendment that the increase as regards the members of the Senate and House take effect from the 4th of March, 1709, instead of— [Laughter and applause.]

[Cries of "Too far back."]

Mr. GILLETT. Mr. Speaker, of course I mean 1909.

Mr. TAWNEY. Mr. Speaker, I reserve the point of order on the amendment offered by the gentleman from Massachusetts.

The SPEAKER. But the gentleman from Massachusetts has not offered an amendment. The gentleman from Massachusetts has not the floor for the purpose. The gentleman from New York has the floor.

Mr. GILLETT. I asked the gentleman from New York if he would yield to me for the purpose of offering such an amendment.

Mr. LITTAUER. I yielded to him, but not for the purpose of offering an amendment.

Mr. GILLETT. Then I simply wish to say, Mr. Speaker, I voted for the salary proposition which was recently before the House, and I should vote for this if my amendment should be adopted, which would leave it as it was then; but I do not feel like voting for a bill which directly affects my own salary, and I therefore shall vote against it.

Mr. LITTAUER. I now yield to my colleague from New York [Mr. DRISCOLL].

Mr. DRISCOLL. Mr. Speaker, I do not propose to discuss the merits of this proposed amendment increasing the salaries of Senators and Representatives. I voted against it on the former occasion and gave my reasons, and will vote against it again. I only wish to say now that this proposed amendment, increasing our salaries, concerns every man who is a Member of this body, and especially every man who was elected to the Sixtieth Congress.

This matter is not important because of an enormous increase of the appropriation. It will amount to only between \$1,200,000 and \$1,300,000 a year, which is a small item com-

pared with other appropriations made by the Congress. It is important because it concerns every man personally, and it seems to me it should not come up for consideration and determination in this House suddenly and without notice to the Members. A date should be fixed some day next week, so that every Member of this body may have notice of the time, and have an opportunity to be here and vote for or against it.

Again, there should be a roll call and a viva voce vote on this proposition. The question is whether we shall increase our own salaries. Some men on this floor believe in the increase, and on the former occasion spoke for it and voted for it, and went on record on a yea-and-nay vote in favor of it. If the action increasing those salaries commends itself to the sound judgment of the country, those men should have the credit due them. Other gentlemen on this floor spoke against the increase on the former occasion and voted against it on a roll call. They should have the privilege of going on record again. The country, our constituents, everybody, ought to know how each man votes on this proposition. Therefore every man should, in justice to himself and his fellow-Members, favor a roll call. If this is a meritorious measure, let us stand up without fear or favor and pass it in the open and go on record as supporting it. If it is not a meritorious measure let us not pass it by what is in effect a secret ballot.

The Members of this body can not be proud of their action if they increase their salaries and at the same time refuse to do it in the open, and refuse to let their fellow-Members who are so disposed go on record. Many Members are now absent, some possibly at home; some, perhaps, doing work in the Departments, others in committee rooms, and others engaged in other official duties. They should have an opportunity to vote on this matter, and therefore, in conclusion, I would request the gentleman in charge of this bill, my distinguished colleague from New York, to delay the vote until some day certain next week, so that every man may have notice and an opportunity to be present, and that he favor a viva voce vote, so that each man's record may be made.

Mr. LITTAUER. I now yield to the gentleman from Texas [Mr. BURLESON].

Mr. BURLESON. Mr. Speaker, for the reasons stated by me at the time this bill was under discussion a few days ago, I intend to vote against the amendment now offered by the gentleman from New York [Mr. LITTAUER]. When the amendment providing for an increase of the salary paid Members of Congress was first offered by the gentleman from New York [Mr. LITTAUER] it made the increase take place for the Sixty-first Congress. I voted for it because I believed there should be an increase of these salaries, but I stated then that I was unwilling to vote an increase of salary for an office to which I had already been elected. We were candidates for the office of Representative in the Sixtieth Congress, with a full knowledge of what the salary was, and I will not now vote to increase that salary.

Mr. LITTAUER. I now yield to the gentleman from Illinois [Mr. MANN] two minutes.

Mr. MANN. Mr. Speaker, when this matter was before the House the other day I voted for the proposition. I would now vote for the proposition to increase the salary of Members of Congress, commencing with the next Congress after the one which follows this. We have not yet reached the point where I believe that a Member of Congress can disinterestedly vote for a proposition affecting his own compensation, and while I believe that the salary ought to be increased for Members of Congress, I do not believe that a Member of Congress, with the natural bias in reference to his own compensation, has the right to vote to increase his own compensation, and I can see no difference between Members of this Congress who have been re-elected to the next Congress voting to increase the salaries of Members of the next Congress and the Members of this Congress voting to increase the salaries of Members of this Congress.

Mr. TAWNEY. Mr. Speaker, I desire to ask the gentleman a question.

Mr. MANN. I yield.

Mr. TAWNEY. I desire to ask the gentleman from Illinois if it is not a fact that the logic of his position would prevent for all time to come any increase in compensation of Members of Congress?

Mr. MANN. I do not think so.

Mr. TAWNEY. May I state this, then? This has first to be voted upon by the Senate before it can become a law. Two-thirds of that vote would always have to vote to increase their own salaries, because they are not going out, or they will be in the next Congress. You would have to defer it six years at least, and that is the objection, I will say, to the proposition that was voted upon in the House before; that is the objection

that every Member of Congress makes to the provision which was first proposed in the House of Representatives.

Mr. MANN. The answer to the question, Mr. Speaker, is very simple and very plain. The Members of the House of Representatives are not the guardians of the conscience of the Senators of the United States. We are responsible to our own consciences, not to them, and if I were a Senator of the United States, which I am not likely to ever be, I would not vote to increase the salary for myself during my term of office, and if they needed my vote it would have to be postponed. But I take it that in the Senate there are always enough members able to vote—that is, two-thirds—in such a way that the salary could be increased without any long postponement.

Mr. TAWNEY. Six years.

Mr. MANN. Not six years. Six years would postpone it and give a complete vote of every Senator. Two-thirds of the Senate of the United States can vote for the proposition to make this apply to the Sixty-first Congress without coming within the prohibition which I referred to. All of the Senate could make it apply to the Sixty-second Congress.

Mr. LITTAUER. Mr. Speaker, I call for the previous question.

The SPEAKER. The question is on concurring in the amendment from the Senate with the amendment offered by the gentleman from New York [Mr. LITTAUER].

The question was taken; and the Speaker announced that the ayes seemed to have it.

Mr. GILLESPIE. Division, Mr. Speaker.

The House divided; and there were—ayes 133, noes 92.

Mr. GILLESPIE. Yeas and nays, Mr. Speaker.

Mr. DRISCOLL. Mr. Speaker, the yeas and nays.

Mr. MACON. Mr. Speaker, I demand the yeas and nays.

The SPEAKER. All of those who are in favor of demanding the yeas and nays will rise and stand until counted. [After counting.] Thirty-four gentlemen have arisen; not a sufficient number, so the yeas and nays are refused.

So the amendment was agreed to.

Mr. LITTAUER. Mr. Speaker, I move that the House ask a conference with the Senate.

The SPEAKER. The gentleman from New York [Mr. LITTAUER] asks for a conference with the Senate.

The question was taken; and the motion was agreed to.

The Speaker announced the following conferees: Messrs. BINGHAM, LITTAUER, and LIVINGSTON.

Mr. LITTAUER. Mr. Speaker, I move to reconsider the vote and lay the motion on the table.

The motion was agreed to.

MILITARY ACADEMY BILL.

Mr. HULL, chairman of the Committee on Military Affairs, reported the bill (H. R. 24537) making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1908, and for other purposes, which was read a first and second time, and referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

Mr. WILLIAMS. I reserve all points of order on the bill.

DIPLOMATIC AND CONSULAR APPROPRIATION BILL.

Mr. COUSINS, chairman of the Committee on Foreign Affairs, reported a bill (H. R. 24538) making appropriations for the diplomatic and consular service for the fiscal year ending June 30, 1908; which was read a first and second time, and referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, was ordered to be printed.

Mr. WILLIAMS. Mr. Speaker, I reserve all points of order on the bill.

URGENT DEFICIENCY APPROPRIATION BILL.

Mr. LITTAUER, from the Committee on Appropriations, reported a bill (H. R. 24541) making appropriations to supply additional urgent deficiencies in the appropriations for the fiscal year ending June 30, 1907, and for other purposes; which was read a first and second time, referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, was ordered to be printed.

Mr. FITZGERALD. Mr. Speaker, I reserve all points of order.

Mr. LITTAUER. Mr. Speaker, I ask unanimous consent that this additional urgent deficiency bill be now considered in the House as in the Committee of the Whole House on the state of the Union, and pending that I will be pleased to make an explanation of its urgency.

Mr. WILLIAMS. I believe we have a rule that these things should lay over for a stated time.

Mr. LITTAUER. If the gentleman will permit me, I will

make an explanation by which I think he will immediately see that there is necessity for its immediate consideration.

Mr. WILLIAMS. Reserving the right to object, I will hear an explanation by the gentleman.

The SPEAKER. The gentleman from New York asks unanimous consent for present consideration of the bill of which the title has just been read in the House as in Committee of the Whole, and the gentleman—

Mr. MANN. A parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. MANN. The request of the gentleman from New York is for immediate consideration, and that it be considered in the House?

The SPEAKER. The gentleman asks immediate consideration, and consideration in the House as in Committee of the Whole House on the state of the Union.

Mr. MANN. Is this not a privileged bill?

The SPEAKER. Under the rules of the House the bill would go to the Committee of the Whole House on the state of the Union, and it is to avoid that rule, the Chair takes it, that the gentleman asks unanimous consent.

Mr. MANN. The parliamentary inquiry that I made was whether it would be in order for the gentleman from New York to immediately move to go into Committee of the Whole House on the state of the Union for the consideration of this bill?

The SPEAKER. Upon examination, the Chair finds that the bill covers several items, and can fairly be called, and is, in fact, a general deficiency bill. Is there objection?

Mr. WILLIAMS. Mr. Speaker, I reserved the right to object to listen to an explanation of the gentleman. I have had none. If he is going to make none, I will make the objection peremptorily now.

Mr. LITTAUER. I am going to make it.

The bill carries a total of \$329,650. The reason for its urgency to-day is that the legislature of New Mexico is called together January 21—next Monday; that under the law the legislature is only empowered to engage a certain number of clerical assistants to attend upon the legislature. Moreover, the legislative assembly of New Mexico is circumscribed as to the employment of any additional service unless it be the services of a translator and an interpreter, for the law of May 28, 1896, declares:

That no other officer of either house of said legislative assembly shall be elected or appointed or paid out of any moneys appropriated by the Congress of the United States or the legislative assembly of said Territory than such as may be provided for by the laws of the United States, except a translator or an interpreter.

Now, we understand the additional service has been had, so that the legislature could properly conduct its proceedings, in expenses for typewriters and others, who are always called "interpreters" and paid out of the Territorial treasury. The present governor declares that he will not permit that subterfuge to go on. Therefore there is submitted to us the necessity of the additional authorization of \$15,000. We have made this additional amount according to the bill submitted, to be paid out of the treasury of the Territory, for the additional \$15,000 in order that it can be expended for the additional clerical and other assistants, and they consist of stenographers, clerks to committees, messengers, and various other characters of clerks. Now, as that legislature goes into session next Monday, we deemed that this was urgent and immediate.

Mr. WILLIAMS. Now, suppose this took the usual course, and went over, say, twenty-four hours, which would be the time, who would be hurt and what would be hurt by that delay?

Mr. LITTAUER. The Secretary of the Interior urges that for the proper conduct of that work an immediate provision be made, so that the legislature may convene. Then we have got one other item.

Mr. WILLIAMS. They will be delayed just twenty-four hours, and twenty-four hours' delay is not sufficiently great to make it urgent.

Mr. LITTAUER. But we have one other item here, and that is, \$250,000 is needed at once to pay for additional equipment in connection with the increase in the Navy.

Mr. WILLIAMS. I did not hear that.

Mr. LITTAUER. The Navy asks \$250,000 to pay for additional equipment necessary for the increase in the Navy, and for this reason: Two years ago a large appropriation was made for equipment in connection with the increase of the Navy.

Last year no estimate was submitted, despite the fact that the balance left over was not more than one-half of the usual requirement. All of that balance has now been expended, and they believe it will take \$250,000 to carry them through until next July. If this money is not to be had at this time a great battle ship will be held up for the want to ten or fifteen thousand dollars.

Mr. WILLIAMS. I understand the whole gist of the gentleman's request is that the matter be considered in the House instead of being considered in the Committee of the Whole?

Mr. LITTAUER. Yes.

Mr. WILLIAMS. It seems to me that the House ought to have the opportunity in the Committee of the Whole—

Mr. LITTAUER. It has the same opportunity in the House, has it not?

Mr. WILLIAMS. I understand—to have these matters fully elucidated and explained, and with the usual safeguards of consideration in the Committee of the Whole. Mr. Speaker, I think I ought to object.

Mr. LITTAUER. Does the gentleman object?

Mr. WILLIAMS. Yes.

Mr. LITTAUER. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the urgent deficiency bill.

Mr. WILLIAMS. I reserve all points of order on the bill.

The SPEAKER. The gentleman from Mississippi reserves all points of order on the bill, which is referred to the Committee of the Whole House on the state of the Union. The gentleman from New York [Mr. LITTAUER] moves that the House do resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the urgent deficiency bill, which has just been reported and referred to that committee.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the urgent deficiency bill, with Mr. LAWRENCE in the chair.

Mr. CLARK of Missouri. Mr. Chairman, inasmuch as the bill has not been printed, I wish the Chair would have order established in the House, so that we can hear it read.

The CHAIRMAN. The gentleman from Missouri calls for order. The committee will please be in order. The Clerk will report the bill.

The Clerk read the bill at length.

The CHAIRMAN. The first reading of the bill has been completed.

Mr. LITTAUER. Mr. Chairman, the bill carries seven provisions. The first one is in connection with the International Water Boundary Commission, United States and Mexico.

Mr. LIVINGSTON. Before the gentleman begins to discuss the bill, we have no agreement here as to time or anything about it. What does he propose to do?

Mr. LITTAUER. What suggestion has the gentleman to make in reference to it? I do not want to take up more than probably five minutes, or perhaps ten.

Mr. LIVINGSTON. Just let it run along, then, and see what we can do.

Mr. LITTAUER. As I stated, the bill begins with a provision to enable the international water boundary commission to continue its work, and appropriates \$5,000. The necessity for the appropriation is that four gauging stations on the Rio Grande, which are necessary in the work of the commission, were washed away in the floods of last summer, with some other work that could not have been contemplated when the annual appropriation for this purpose was made.

The next provision is to provide for four additional rooms in the Munsey Building to accommodate the Auditor for the Navy Department.

This provision has been made already in the legislative bill, and we provide for rent for five months, for four rooms, to carry an appropriation of \$1,150. Then comes a provision giving authority to pay out of the treasury of the Territory of New Mexico a sum not exceeding \$15,000 for additional employees, for contingent expenses of the legislature of that Territory. I have explained its necessity in the preliminary discussion.

There follows an appropriation of \$65,000 to complete the channel of approach to the piers at the Jamestown Exposition. To build these piers an appropriation was asked for larger than was granted by Congress. The length of the piers originally proposed was 2,200 feet, but the piers to be built under the appropriation will be 1,200 feet long. It now develops that in order that ships may reach these piers, where the basin must be dredged under the old appropriation to a depth of 10 feet, an amount must be appropriated in addition thereto, and we must have a small sum of money to dredge out a part of Bush Creek in connection with this exposition, where the life-saving station for the life-saving exhibit will be for the instruction of those who attend the exposition.

Mr. BARTLETT. As the gentleman from New York knows, the cost of building of these piers was thoroughly gone into and investigated by the Committee on Industrial Arts and Expo-

sitions, and that committee reported the bill at the last session providing an appropriation of \$400,000 for the building of these piers. It is true that the bill introduced asked for an appropriation of \$500,000, but after that estimate had been submitted to the proper officer of the Government—I do not remember who it was—it was deemed that \$400,000 was all that was necessary.

Mr. LITTAUER. Yes; and all that ought to have been spent.

Mr. BARTLETT. I think it was more than ought to have been spent.

Mr. LITTAUER. We are up against this proposition: The House appropriated \$400,000 for building the piers and dredging the basin between the piers. The gentlemen who framed the legislation evidently did not have the foresight of providing in it that a channel as deep as the basin should be provided for and included within the appropriation of \$400,000. We now find that the piers are built and the basin will be dredged out of the appropriation to a depth of 10 feet, but that the boats can not reach the piers unless a channel is dredged.

Mr. BARTLETT. What boats are these?

Mr. LITTAUER. The auxiliary boats; all kinds of boats drawing up to 10 feet of water; the excursion boats; boats that will bring the people and troops and soldiers to land at that dock.

I am advised that these piers have not yet been built and that the basin has not yet been dredged, but that the proposal has been issued and that the best we can now procure are piers only 1,200 feet long, and that would land us in water but 4 or 5 feet deep; that if money enough had been appropriated by Congress to extend the piers to 2,200 feet, we would have reached a depth of 10 or 12 feet of water. Now, while we feel the project should be continued and that the appropriation should be made, yet it would be possible, if the committee so insisted, that they should build inferior piers and spend the money for dredging a channel into the piers.

Mr. BARTLETT. The trouble about it is this: After the parties having in charge the Jamestown Exposition had gone into an examination of it and made estimates providing for the piers and the basin it was deemed that \$400,000 would be sufficient, and Congress provided all that was asked for.

Mr. LITTAUER. If what the gentleman from Georgia states is true, then the estimates must have been different from the proposals.

Mr. BARTLETT. I am not speaking about the estimate, but we went into it—the Committee on Industrial Arts and Expositions went into the question as to what the piers could be built for and all necessary expenses. It only shows that when we get into aiding one of these expositions what happens—that there is no end to the demands. There is always an additional expense, and Congress is asked to pay it.

Mr. LITTAUER. It shows that when we enter upon an exposition it is like entering into a war, you can never tell what it will cost.

Mr. BARTLETT. I want to ask the gentleman, further, how about the life-saving exhibit. That appropriation was made in the bill by the committee that reported it, after submitting the proposition to the Light-House Board, the officers of the Government, and the amount that they estimated was provided for in the bill.

Mr. LITTAUER. Was dredging provided for in the estimate for the life-saving exhibit?

Mr. BARTLETT. I am not able to say, but the committee thought that we had provided for everything that was necessary in order for the Government to make the necessary exhibit for the Life-Saving Service. I will not undertake to say that dredging was included in the estimate, but it looks to me that when the officers were called upon to make the necessary estimate and recommendations that they should have taken into consideration dredging, if that was necessary to the exhibit, as well as other necessary matters.

Mr. SULLIVAN. May I interrupt the gentleman?

Mr. LITTAUER. I will yield to the gentleman from Massachusetts.

Mr. SULLIVAN. I wish to supplement, Mr. Chairman, the gentleman's statement with this remark, that the dredging was provided for in the law last year. Those who were intrusted with the duty of carrying on the work knew the depth of these channels and fully appreciated the necessity of dredging, and on the statement they make themselves the proposition for \$65,000 is absolutely indefensible. They proceed on the theory that having got us into a hole we must provide the extra money in order to get out.

Mr. BARTLETT. Mr. Chairman, if the gentleman will permit me, I want to say that I do not think we have got into a hole,

because the committee that reported that bill undertook to give all that was necessary for the Government to make the exhibit for the various departments of the Government, and these appropriations were made upon the estimates furnished to the committee both as to the light-house service and the building of these piers.

Mr. TAWNEY. Will the gentleman from Georgia permit an inquiry?

Mr. BARTLETT. I am speaking now in the time of the gentleman from Massachusetts [Mr. SULLIVAN].

Mr. TAWNEY. Is it not a fact that they estimated \$500,000 as the amount that the construction of these piers would cost?

Mr. BARTLETT. The estimate was made by the Jamestown exhibition architect, so to speak. I believe that is the proper title to give him.

Mr. TAWNEY. No; the engineers of the War Department and the Navy Department.

Mr. BARTLETT. I do not think so.

Mr. TAWNEY. It was carried in the original bill at \$500,000, and reduced to \$400,000.

Mr. SULLIVAN. Mr. Chairman, although the estimate may have been \$500,000, and I think it was, the law provided for only \$400,000, and expressly stipulated that contracts to the extent of \$400,000 only were authorized. In other words, the law limited it to \$400,000, and the officers in carrying out this enterprise have simply concluded it would be well to have more money, and accordingly they planned the work on the basis of a larger appropriation, and now because we can not leave them there with insufficient money to complete the enterprise they take advantage of us and ask us to provide this \$65,000 extra.

Mr. LITTLEFIELD. I would like to inquire of the chairman of the committee whether this expenditure that is now being made for these excavations was originally contemplated in the appropriation reported by his committee, which passed this House after a very close vote?

Mr. TAWNEY. I would say to the gentleman that none of the expenditures that are now provided for or contemplated under this appropriation were thought of when the law was enacted, for the reason that the estimate was to build a pier 2,200 feet long, and the estimate given us was \$500,000 for the construction of these two piers at that length. These two piers would have carried them out where they would have been in a stage of water to admit the approach of vessels as large as will be needed and as large as is contemplated, which will necessarily come to the piers during the exposition. When they came to construct the piers on the appropriation of \$400,000 they found that it was impossible to extend them to that length, so they built the piers twelve or fourteen hundred feet in length, and with the \$60,000 they will dredge up to the pier, and also do some dredging at other places which was not thought of or known, and which the Secretary of War now informs us will be of great value to commercial ships hereafter—a permanent improvement. Some part of this is for a permanent improvement in navigation at Hampton Roads, and the other is for making the necessary approaches to these piers in consequence of their not being able to build them far enough to admit of vessels approaching them as they originally contemplated.

Mr. LITTLEFIELD. I suppose, so far as this appropriation relates to permanent improvements—

Mr. LITTAUER. Oh, that is a mere incident.

Mr. LITTLEFIELD. Yes; it is a mere incident. I want to put this further question. The bill I refer to as the original bill was the bill that came from the gentleman's own Committee on Industrial Expositions.

Mr. TAWNEY. No.

Mr. LITTLEFIELD. Well, I refer to that now. What was the appropriation carried for that?

Mr. TAWNEY. The authorization was for \$500,000, as I now recall it. That was the original estimate.

Mr. LITTLEFIELD. What was the appropriation passed by the House?

Mr. TAWNEY. The bill never passed the House—that is, the bill reported by the Committee on Industrial Arts and Expositions. The Senate put the bill on in the form of an amendment to the sundry civil appropriation bill in the last session, and the conferees on the part of the House, after numerous conferences with the Senate, finally redrafted the amendment, eliminating a number of appropriations and eliminating a great deal of language that authorized work to be done and expenditures to be made without appropriations, for which we would have to hereafter make appropriations; so that we reduced the aggregate amount, as I now recall it, in the neighborhood of \$300,000, \$100,000 of which, if I am correct, was the reduction on this appropriation for the construction of these piers.

Mr. LITTLEFIELD. What I want to inquire is this: There was a time, I take it, when the House passed initial legislation in connection with the Jamestown Exposition.

Mr. TAWNEY. Oh, when the House passed the initial legislation it was for \$200,000.

Mr. BARTLETT. For a naval display.

Mr. LITTLEFIELD. Precisely. Was not the House then given to understand that that would be the extent of the appropriation that would be necessary on the part of the House for the purpose of completing this exposition; that Congress would not be called on for any more appropriations.

Mr. LITTAUER. Many of us had that idea.

Mr. TAWNEY. I do not know that any assurance of that kind was given to anybody, but the gentleman must bear in mind that that appropriation was made and that legislation was for the purpose of enabling the Government itself, independent of the exposition—the purpose of the Committee on Industrial Arts and Expositions—the minority of it, with which I acted—was to prevent the Federal Government being tied up with the Jamestown Exposition.

So at the very last moment the bill which a majority of the Committee on Industrial Arts and Expositions reported could not receive consideration, but it was finally agreed that the Government of the United States ought to celebrate this event in some way, and at the request of the present Speaker of the House I drafted a bill myself, without reference to the committee, but as a Member of the House, which provided for a celebration of this event by authorizing the President of the United States to invite the naval powers of the world to participate in a celebration, to erect a monument at Jamestown, and to improve the harbor at Jamestown, or where Jamestown used to be, and that bill, on the motion of the gentleman from Virginia [Mr. MAYNARD], was passed under suspension of the rules in the closing hours of the Fifty-eighth Congress.

Mr. LITTLEFIELD. When there was a good deal of hurry in legislation, I take it.

Mr. TAWNEY. Yes; but there was not anything said about coming back to Congress, because neither the bill itself nor the appropriation related to an exposition—simply to a celebration.

Mr. LITTAUER. Now, I would like to ask the gentleman whether, in his judgment, it was understood that when we passed the original \$250,000 for a naval display and the participation of the General Government in that exposition—

Mr. TAWNEY. No; there was no participation in the exposition provided for at all.

Mr. LITTLEFIELD. Was it not understood that was all the connection the General Government was to have with it?

Mr. TAWNEY. I so understood it, so far as I was individually concerned, but a subsequent Congress made an appropriation of, I think, \$1,200,000; I do not remember the exact amount.

Mr. LITTLEFIELD. I would like to know into how large a development the original egg of \$250,000 has grown. We started with \$250,000.

Mr. TAWNEY. I did not know the appropriation of \$250,000 was responsible in any way for the appropriation that was made in the last Congress.

Mr. LITTLEFIELD. Well, can the gentleman in charge of this urgent deficiency bill tell the House—

Mr. TAWNEY. The gentleman from New York [Mr. LITTAUER] is in charge of the bill.

Mr. LITTLEFIELD. Well, the chairman of the Appropriations Committee, then. Can the Chairman of the Appropriations Committee tell the House, when we started with the participation either directly or indirectly following an expenditure of \$250,000, into how large an expenditure that has developed?

Mr. LITTAUER. Mr. Chairman—

Mr. TAWNEY. One moment. For the objects provided for in the original bill there has been no increase in the appropriation and no additional appropriation.

Mr. LITTAUER. Yet during the last session other appropriations in other bills amounted to \$1,325,000.

Mr. LITTLEFIELD. Now, I would like to inquire, with the permission of the gentleman from New York.

Mr. LITTAUER. I yield.

Mr. LITTLEFIELD. Here is an urgent deficiency bill for how much?

Mr. LITTAUER. Sixty-five thousand dollars.

Mr. LITTLEFIELD. Sixty-five thousand dollars for this purpose, and, as I understand, it is incidental to the Jamestown Exposition.

Mr. TAWNEY. It is incidental to the authorization made by Congress at the last session in respect to the Jamestown Exposition.

Mr. LITTLEFIELD. Incidental to the Jamestown Exposition. And we started with this Jamestown Exposition, so far

as Federal aid is concerned, by appropriating two or three years ago \$250,000.

Mr. TAWNEY. I beg to differ with the gentleman. We did not start the exposition two or three years ago in that way.

Mr. PAYNE. I think I can give the gentleman from Maine a little information on the subject if I can get the floor.

Mr. LITTLEFIELD. Let me put it this way: We facilitated its start—

Mr. TAWNEY. Oh, no; it was started long before this was done.

Mr. LITTLEFIELD. Well, we facilitated its start.

Mr. BOUTELL. Lubricated.

Mr. LITTLEFIELD. We lubricated the enterprise by an appropriation of \$250,000 which it was understood, as I understand now the gentleman from Minnesota, was under the full measure of the charge upon the Treasury of the United States on account of this exposition. Am I right about that?

Mr. TAWNEY. I would say to the gentleman that if he has ever read the original law, the word "exposition" was not referred to, and the Jamestown Exposition was not referred to; it was entirely an independent celebration provided, a Government celebration of the tercentennial of the settlement of this continent. Now, the nature of that celebration was defined in that law. All expenditures were authorized. The nature of that celebration has been confined, and the authorization in the bill and appropriations have not been increased, and no increase is asked for to carry out the purpose of celebrating the event by the Government of the United States entirely separate from the Jamestown Exposition. Now, that is the initiation of the celebration of the event by the Government of the United States. Following that, in the next Congress, Congress was induced to join the Jamestown Exposition Company and appropriate \$250,000 direct aid, and then appropriate—

Mr. LITTLEFIELD. Direct?

Mr. TAWNEY. Direct aid to the exposition company, \$250,000, the remainder of the appropriation being for other purposes in connection with the Jamestown Exposition.

Mr. LITTLEFIELD. Do I understand that the appropriation was \$250,000, and that at the next session it was \$250,000 more?

Mr. TAWNEY. The Jamestown Exposition did not get \$250,000 in the first authorization.

Mr. LITTLEFIELD. How much did it get?

Mr. TAWNEY. It got nothing. The Jamestown Exposition was not referred to in the first authorization.

Mr. LITTLEFIELD. Was the first authorization in any way connected with the Jamestown Exposition?

Mr. TAWNEY. It was not. It was independent.

Mr. LITTLEFIELD. Did it tend to promote the enterprise?

Mr. TAWNEY. I do not think it did. The enterprise was far advanced then.

Mr. LITTLEFIELD. I will ask this of the gentleman, as he was chairman of the committee that reported that particular bill. Did the gentleman intend to promote that enterprise?

Mr. TAWNEY. I did not.

Mr. LITTLEFIELD. And the legislation was—

Mr. TAWNEY. The legislation did not relate to it.

Mr. LITTLEFIELD. Did not have any connection with it?

Mr. TAWNEY. No, sir.

Mr. LITTLEFIELD. Was not dependent upon it?

Mr. TAWNEY. No, sir.

Mr. LITTLEFIELD. Has it had any connection with it since? Has it merged with it since?

Mr. TAWNEY. No, sir; it has not; only so far as the last law has authorized the merger, with which I had nothing whatever to do.

Mr. LITTLEFIELD. Is not the last law practically the sequel of the first?

Mr. TAWNEY. It is not. I have answered that question half a dozen times.

Mr. LITTLEFIELD. I beg the gentleman's pardon for having to emphasize that proposition.

Mr. PAYNE. Mr. Chairman, briefly, the Jamestown Exposition was started by the citizens of Virginia largely, and after they had planned the exposition of course they came to Congress to get a bill through to have the Government pay the expenses of it. That bill came from the Committee on Industrial Arts and Expositions after a rough passage, as I remember it, but was not considered in the House. Then, pending that, my friend from Minnesota [Mr. TAWNEY] was overpersuaded into going into a naval show down there for Jamestown at the same time this exposition was held.

Mr. LITTLEFIELD. Contemporaneous with it?

Mr. PAYNE. Contemporaneous with it—during the same time the exposition was to be held. I want to say to the gentleman from Maine [Mr. LITTLEFIELD] when the bill was origi-

nally drawn it did refer to the exposition, but after a good deal of trouble I succeeded in eliminating all reference to the Jamestown Exposition. When it came into the House I opposed it on the ground that that was the inception of this grand enterprise that the Government would be appropriating for—

Mr. LITTLEFIELD. That would be the first step?

Mr. PAYNE. That is what I claim.

Mr. LITTLEFIELD. May I ask another question?

Mr. PAYNE. The answer to that was that the bill did not refer to the exposition, although they were contemporaneous in time. Now, after that, the President of the United States invited all of the nations of the earth to participate in this naval demonstration in accordance with the terms of that bill. That necessitated an appropriation to entertain these people who come here, and that was a little like an entering wedge. Then the proposition came in to spend \$250,000 for a Government exhibit at Jamestown.

Mr. TAWNEY. Not in the original bill.

Mr. PAYNE. It came in afterwards, I say.

Mr. TAWNEY. It came in the next session of Congress.

Mr. PAYNE. Two hundred and fifty thousand dollars for the Government exhibit, and at the same time to urge upon Congress that the honor of the nation was at stake, because we had invited all the nations of the world to come over in order to make this exposition a success, just as I had guessed would be done at the inception of this first bill.

Mr. LITTLEFIELD. Will the gentleman—

Mr. PAYNE. Let me make this statement.

Mr. LITTLEFIELD. I want to make the inquiry right here. I would like to inquire of the gentleman from New York whether at this stage the indefinite scheme that had theretofore been adopted became merged in or connected with the Jamestown Exposition?

Mr. PAYNE. I suppose that the President having invited the navies of the world to help celebrate this great event in that vicinity it was thought, and claimed, that the honor of the United States was at stake to make the show a success independent of the company.

Mr. LITTLEFIELD. It was still independent?

Mr. PAYNE. Oh, yes; but in another place an amendment was finally put on appropriating a million and a half. When that first came over here it gave that for the show itself. In the end the appropriation was made for \$400,000 to build a dock. They did not even have an approach to this place where the exposition was to be held, and this money was to be expended on a dock for the purpose of allowing the ships to come up.

Mr. LITTLEFIELD. In connection with the exposition?

Mr. PAYNE. Oh, certainly. They did not have deep enough water to make the approach and they wanted additional dredging. And now they ask us for a loan of \$50,000.

Mr. LITTAUER. I do not want gentlemen to understand that it is to dredge out enough water to float that loan.

Mr. PAYNE. I am sure it will not require much dredging to float the loan. I want to make that suggestion to the gentleman now. I would hope, and would vainly hope, that they might dredge out enough water to drown the loan; but that could not be done. I only wanted to show how sure it is that these little things grow of getting shows for a town where there really is no town, and how they become international and involve expenditures of millions of dollars.

Mr. STEPHENS of Texas. I see there is reference to rent of rooms in the Munsey Building. How many rooms are rented?

Mr. LITTAUER. Four rooms.

Mr. STEPHENS of Texas. What is the amount of the rent?

Mr. LITTAUER. One thousand one hundred and fifty dollars for five months' rent of four rooms, and the rooms rented at the same rate that we are to rent them after the beginning of the next fiscal year, according to provisions made in the legislative bill.

Mr. STEPHENS of Texas. Let me ask the gentleman, as a member of the Committee on Appropriations, if it is not a fact that it would be good policy for this Government to adopt to build their own buildings instead of renting buildings?

Mr. LITTAUER. Oh, decidedly so; but this is necessary under the exigency that has arisen. Last year we passed a public-building bill for the erection of a good many buildings. The Supervising Architect of the Treasury had to have more room in the Treasury, and consequently moved out the Auditor of the Navy Department, as the rooms that were provided were not sufficient.

Mr. STEPHENS of Texas. Now, there is the House of Representatives building and the Senate building now being erected. Those buildings, I understand, will cost from seven to ten million dollars before they are done. Would it not be good policy for the Government to build sufficient buildings in the city for

the use of the clerks, instead of Congress building palaces for ourselves?

Mr. LITTAUER. I do not believe my opinion will stop the completion of these buildings, which will probably be used by you and other gentlemen of the next Congress; but I do believe we ought to have a number of very necessary buildings in the District of Columbia to provide for the wants of the various Departments of the Government here. And particularly that of a Hall of Records, in order that great storage facilities might be had for the many records now taking up room in many of the Government buildings.

Mr. STEPHENS of Texas. Does not the gentleman believe that instead of raising our own salaries and building palaces for ourselves that we should rather provide buildings suitable for these offices and suitable wages for these employees of the Government?

Mr. LITTAUER. In my opinion a great and rich government can provide the necessary salaries for its Representatives in Congress and also such buildings as may be needed.

Mr. STEPHENS of Texas. Ought we not to be just before we are generous, and begin at the bottom instead of at the top, as we have begun?

Mr. LITTAUER. The gentleman can answer his own question.

Mr. BARTLETT. May I ask a question about this particular work? As I understand it, this \$65,000 that is now to be appropriated as an urgent deficiency appropriation, has no relation whatever to aiding the United States Government or the vessels of the Government in making a naval display that is to take place at the Jamestown Exposition?

Mr. LITTAUER. I take it for granted that the naval display must be made in water of greater depth than 10 feet; but this is simply to make the approach to the piers.

Mr. TAWNEY. You must also take it for granted that the officers and men on the ships that arrive here must have some place for their smaller craft to land.

Mr. LITTAUER. Yes; to get ashore and see the ladies, and all that.

Mr. BARTLETT. Then the statements that have been made before the Committee on Industrial Arts and Expositions, by these people who had the matter in charge, and who insisted that these expensive piers should be constructed, more for ornament than anything else, as to the sums of money that would be required, were not accurate at all, were they?

Mr. LITTAUER. The sum appropriated was not sufficient to build a 2,200-foot pier or to get out to a depth of 10 feet of water. The sum of \$400,000 will simply complete the piers according to the present proposals, 1,200 feet, and if erected according to those proposals the water at the end of the piers will not be more than 3 or 4 or 5 feet deep. [Laughter.]

Mr. BARTLETT. I want to say that such a statement of the conditions was not brought forward before the committee, and we knew nothing about it; and I think the gentlemen who were before the committee presented everything that could induce the committee to be extravagant in the expenditure of the public money.

Mr. LITTAUER. Mr. Chairman, I will now pass on to the item for the increase of the Navy, \$250,000, necessary for the completion of equipment of new vessels. I have already explained that.

Next we come to the appropriation of \$1,000 for additional expenses of depositing public moneys. The appropriation for the current year was reduced to \$2,000, despite the fact that \$2,718 was spent for this purpose last year and that the public money to be deposited has increased 25 per cent during the current year. Provision was made that this money should be carried in a more economical fashion, and consequently the reduced appropriation that I have referred to.

Then we come to expenses for hearings by order of the Commissioner of the General Land Office. The sum of \$9,000 was appropriated and \$8,900 have been already used. There is one particular set of hearings to be held at Great Falls, Mont., that will cost \$1,200, and the great number of hearings—nearly 500 since last July, as against 169 for the previous year, because of apparent frauds on the public domain—have made this increase necessary.

Mr. BURKE of South Dakota. I should like to ask the gentleman concerning the appropriations for the Interior Department. I understand an order has been made by the Secretary of the Interior—

Mr. LITTAUER. This has nothing to do with that.

Mr. BURKE of South Dakota. Wait a moment. I understand this order has been made by direction of the President suspending from patent all the final proofs that have been made throughout the country and ordering that the patents be with-

held until such time as the lands have been examined by a representative of the Department. The Department state that they can give no idea as to the time it will require to make these examinations, because of a lack of force. Now, I want to know if the Committee on Appropriations are considering, or have yet considered, the question of providing an appropriation sufficient to give a force that will enable this work to be done speedily.

Mr. LITTAUER. The subject has not been brought to our consideration, and this provision has no connection therewith.

Mr. Chairman, there is an item for the police court building in this city. The sum of \$6,000 was appropriated last year, and it has become necessary to appropriate \$2,500 more to provide necessary furniture and equipment for that building.

I should like now to come to an agreement with the gentleman from Georgia [Mr. LIVINGSTON] as to the time for general debate.

Mr. LIVINGSTON. I suggest fifteen minutes on a side.

Mr. LITTAUER. Fifteen minutes will be acceptable to me. Mr. Chairman, I ask unanimous consent that the general debate close in thirty minutes, one-half the time to be controlled by the gentleman from Georgia [Mr. LIVINGSTON] and the other half by myself.

The CHAIRMAN. The gentleman from New York asks unanimous consent that general debate close in thirty minutes, fifteen minutes on a side; fifteen minutes to be controlled by himself and fifteen minutes by the gentleman from Georgia [Mr. LIVINGSTON]. Is there objection?

There was no objection.

Mr. LIVINGSTON. Mr. Chairman, I yield fifteen minutes to the gentleman from New York [Mr. FITZGERALD].

Mr. FITZGERALD. Mr. Chairman, there are two items in the bill to which I think the committee should give some attention. One is the item that has been discussed at such length by the gentleman from New York [Mr. LITTAUER]; the other is the item in regard to the furnishing of the police court building in the District of Columbia. It was assumed by Members of the House that in the last session of Congress and in a previous session they had impressed upon the different officials in the various Departments in Washington that, regardless of what the opinion of those officials might be as to the advisability of spending money, Congress was the final arbiter and that it determines what should be expended for different projects.

The War Department has been notorious for its disregard of the limits placed by Congress upon its action in the expenditure of money. Members of the House will recollect the action of the Department a few years since regarding the erection of buildings at West Point. So far as this appropriation of \$65,000 is concerned, I desire to call the attention of the committee to the language of the act providing for the construction of these piers. The act approved June 30, 1906, provided:

That to the end that free and ready communication between the ships and the shore may be had, and in order to furnish ample and safe harbor for the small craft necessary to convey the soldiers and exposition visitors from the grounds to the fleet, there shall be constructed from plans to be furnished by the Jamestown Exposition Company and approved by the Secretary of War two piers extending from the exposition grounds into the water of Hampton Roads, the ends of the piers to be surmounted with towers for exhibits, if practicable, of the Light-House Service and the wireless telegraph service; said piers shall be connected by an arch sufficiently high to permit small craft to enter under it into the basin or harbor, which shall be dredged to a sufficient depth to accommodate boats drawing not more than 10 feet of water at mean low tide.

Anybody reading that provision, Mr. Chairman, that had any common sense would have assumed that those piers were to terminate in water of a sufficient depth to accommodate the boats that were to pass under the arch into the basin.

Another part of the act provides that nothing "shall be construed to impose upon the United States any obligation to maintain or keep in repair such piers or basin or approaches thereto."

The original estimate for the construction of the piers was \$500,000. Congress determined that the piers and basin should be built at an expenditure of \$400,000. The same disregard to this limitation that has been paid to others has been paid by the Department, but its action has been more ingenious. Instead of saying that they could not complete the piers for the original estimate, they say they have cut down the length of the piers, with the result that they would end in shallow water, so that this appropriation is necessary to give sufficient water to enable boats to approach the piers. It might be just as wise to give the additional \$100,000 and to have the piers extend out the original 2,200 feet.

Another item is for furnishings for police court built in the District of Columbia. Last year an estimate was submitted to the committee having charge of the District of Columbia appropriation bill asking \$5,000 to furnish and equip this building. One of the judges came before the committee and stated that that amount was entirely inadequate and submitted an es-

timate for \$15,000. The committee directed that an investigation be made by the property clerk connected with the Commissioners' office, and from the information furnished from that source the committee allowed \$6,000 for furnishing and equipping the building. At this session the Commissioners say that \$2,500 additional will be required in order to complete the furnishing of the building.

It seems to me that somebody sometime should be able to estimate accurately what the public service of the various departments of the Government will cost. Congress is entitled to know what the public service will cost. I am opposed to giving additional sums for any purpose when it is apparent that those at the head of the different branches of the Government have disregarded the action of Congress in fixing the limitation upon the cost of the various branches of the public service and have gone ahead and expended money upon the theory that eventually Congress will appropriate in accordance with the original estimate.

We succeeded in placing some limitation upon the power of some officials, and there are now drastic provisions of law which make it impossible for officials to create deficiencies except under very exceptional circumstances without subjecting themselves to severe penalties.

It seems that it will be necessary for Congress to go further and to impose a penalty upon those officials who, disregarding the limitations fixed in the various appropriation acts, so plan their expenditures as to require more money than Congress contemplates shall be expended for some particular purpose. Mr. Chairman, I desire to emphasize my dissatisfaction with what has been done in these two instances. Personally I am inclined to believe that we should not make these appropriations, even if there should be some embarrassment to some official for some little time. I know of no other way to teach them that when Congress, upon the investigation that it makes and with the light that it has, determines that the public service in some particular department shall be conducted for a certain sum, that then the officials having charge of that branch of the service must so conform themselves and must so regulate the work to be done that they can do it within the appropriation made for that purpose. I should be glad to vote to strike out both of these appropriations, and I am inclined to believe that if this \$65,000 were not appropriated these ingenious officials would find some satisfactory manner of so building the piers that vessels could approach them without the dredging that they say is here necessary.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The time of the gentleman has expired. He has consumed the full ten minutes.

Mr. LIVINGSTON. I reserve the balance of my time.

Mr. LITTAUER. Mr. Chairman, I yield five minutes to the gentleman from Massachusetts [Mr. GILLETT].

Mr. GILLETT. Mr. Chairman, I was engaged otherwise so that I could not hear what the gentleman from New York [Mr. FITZGERALD] has just said about the appropriation for Jamestown in this bill. I presume he expressed my views, and doubtless expressed them better than I can myself, but at the risk of repetition I wish to say a word about that recommendation of the War Department. It seems to me the War Department justly deserves criticism for either stupidity or for sharp practice. Either they have not known what they ought to do or they have attempted willfully to evade and nullify the purpose of Congress. They asked for \$500,000 to build these piers and to dredge. Congress gave them \$400,000 and told them, therefore, in effect that they should only undertake what they could complete for \$400,000; but they have gone on and, instead of observing the spirit of the act of Congress to complete this whole improvement for \$400,000, they have expended that \$400,000 and have built piers so that they do not go to deep water, so that they are absolutely useless, and so that any vessel that wishes to use these piers could not go there unless this further dredging of \$65,000 is made. In other words, instead of observing our obvious intent that this improvement should be effected for \$400,000, they have built piers which are useless without the expense of \$65,000 more, and so undertook a \$465,000 project. We therefore are in the predicament of either leaving the piers useless or of appropriating this \$65,000, and this is the practice to which it seems to me the Departments are becoming too habituated. The matter is small; we can not impeach the official for such an action as that. I do not suppose the Secretary of War himself knew of it, but whatever officer or whatever branch of the Department was responsible for it ought to be criticised and ought to be punished, and if this is to continue Congress will have to limit in some way its appropriations.

At present we expect that the different departments will use the money we give them in good faith, but if when we give them

less than they ask, they are going to continue to expend that money in such a way that in order to make it useful we must give them the balance they originally asked, it will be necessary for Congress in some way to tie the hands of the departments and to limit the appropriation so they can not make partial improvements in this manner. It seems to me this is a flagrant case where the War Department has expended the money we gave them not with the purpose with which we gave it, but in such a way that they knew we would have to give more and thus allow them to fulfill their original purpose. I think therefore the War Department is subject to the just and severe criticism of this House.

Mr. CAMPBELL of Kansas. Mr. Chairman, does the gentleman from Massachusetts know of any better way to prevent the continuance of this practice than by refusing to make appropriations for alleged deficiency?

Mr. GILLETT. The trouble is that in doing that we do not punish the War Department. If we do not make the appropriation we punish the exposition, and the exposition was not at fault as far as I know. Therefore we are not punishing the right persons. It seems to me that we must contrive some way in which we can punish the people who are guilty.

Mr. POLLARD. Mr. Chairman, I would like to ask the gentleman whether the War Department has expended the entire \$400,000 appropriated for those piers?

Mr. GILLETT. I understand it has.

Mr. POLLARD. That is all expended?

Mr. GILLETT. It is all expended, and now they say the piers are useless unless we give them \$65,000 more.

Mr. FITZGERALD. I understand the money has not yet been expended, but it is contemplated to expend it in such a way that this amount will be needed.

Mr. GILLETT. I understood it had been expended.

Mr. LITTAUER. The \$400,000 has not yet been expended, and these piers have yet to be built; at least I am so advised that they have not been built.

Mr. GILLETT. Then I do not see why it is necessary to appropriate the additional \$65,000, and I am opposed to it. I understood the \$400,000 had not only been allotted by the War Department on paper, but had actually been expended, so that it was beyond our power.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. POLLARD. May I ask the gentleman from New York a question?

Mr. LITTAUER. When we come to debate under the five-minute rule, the gentleman can ask his question. Mr. Chairman, I move that we proceed with the reading of the bill under the five-minute rule.

The motion was agreed to.

The Clerk read as follows:

WAR DEPARTMENT—JAMESTOWN EXPOSITION.

Piers, Hampton Roads, Jamestown Exposition: For dredging necessary to complete the channel of approach to said piers from deep water in Hampton Roads and for dredging Bush Creek to accommodate the needs of the life-saving exhibit, \$65,000.

Mr. FITZGERALD. Mr. Chairman, I move to strike out the paragraph.

Mr. GILLETT. Mr. Chairman, before that is done I wish to ask the gentleman from New York [Mr. LITTAUER] a question, for I was expecting to vote in favor of this paragraph on the theory that the \$400,000 had been expended and if we did not appropriate this \$65,000 the whole expenditure would be useless; but I understand him now, that it has not been expended, and therefore I should like to ask him why, if we refuse to appropriate this, they can not alter their plans and still complete the work on some different plan which will only cost the amount we originally intended?

Mr. LITTAUER. My information in connection with this matter is not positive, but I am informed by the clerk of our committee that the piers are not yet constructed. They may be in course of construction, but I am not fully advised whether they are contracted for; but the advice I did have was that the money had not yet been expended.

Mr. GILLETT. Then let me ask the gentleman if he does not think it is an entirely improper course for the War Department to take in this matter, to exceed their appropriation?

Mr. LITTAUER. I must say, with the information that has been brought forth here, in my own personal opinion we did not perhaps act with as much deliberation as we should have acted.

Mr. FITZGERALD. Mr. Chairman, I desire to say so long as the money has not been expended, so long as the work of construction has not been commenced, it seems to me that an effective way to check such action on the part of the Department is to refuse to give this appropriation and compel it to so modify

the plans that it can accomplish what was intended with the amount originally given. I feel much like other members of the committee that if these piers were there and the water was so shoal that it would be impossible for boats to reach the piers, we should, in order to use them, give the additional money; but if the piers have not been constructed, it is not too late, in my judgment, for the Department to so modify their plans as to enable the construction of the piers, the basin, and the approaches within the amount originally determined upon.

The CHAIRMAN. The question is on the motion of the gentleman from New York to strike out the section.

The question was taken; and the motion was agreed to.

The Clerk resumed and concluded the reading of the bill.

Mr. LITTAUER. Mr. Chairman, I move the committee do now rise and report the bill as amended to the House with a favorable recommendation.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. LAWRENCE, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 24541) making appropriations for additional urgent deficiencies, and had instructed him to report the same back to the House with an amendment, with the recommendation that the amendment be agreed to and the bill as amended do pass.

Mr. LITTAUER. Mr. Speaker, I move the previous question on the bill.

The previous question was ordered.

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. LITTAUER, a motion to reconsider the last vote was laid on the table.

CLAIMS.

Mr. MILLER. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House for the consideration of bills on the Private Calendar.

The motion was agreed to.

Accordingly the committee resolved itself into the Committee of the Whole House on the state of the Union for the consideration of bills on the Private Calendar in order for to-day, Mr. CAMPBELL of Kansas in the chair.

Mr. MILLER. Before reporting the first bill I desire to ask unanimous consent that when the title of the bill is read and there is no objection to its consideration, it may be considered as laid aside with a favorable recommendation. If, however, there is an objection, then a brief statement of the bill may be made by the chairman of the committee or any other member of the committee, when, if objection is still adhered to, the bill may be laid aside without prejudice in order that we may present the unobjected bills.

Mr. GAINES of Tennessee. I understand the gentleman to say that the chairman will make a brief explanation of the bill when the title is read, and then, if there is no objection, it will be laid aside.

The CHAIRMAN. The chairman of the committee reserves the right to make an explanation after the bill is read.

Mr. SOUTHARD. The proposition was this, as I understand, and I want to understand it now, that if no objection is made to the bill upon the reading of its title, then it is laid aside with a favorable recommendation. If objection is made, then a brief explanation is allowed, and then if no further objection is made, it is laid aside. But if further objection is made, then it is passed without prejudice.

The CHAIRMAN. That was the understanding of the Chair in the unanimous consent asked for.

HENRY PHILIPPS SEED AND IMPLEMENT COMPANY.

The first business was the bill (S. 1236) to authorize the payment to the Henry Philipps Seed and Implement Company for seeds furnished to and accepted by the Department of Agriculture during the fiscal year 1902.

Mr. MILLER. It may be well, Mr. Chairman, to have the bill read.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Treasury is hereby authorized and directed to pay to the Henry Philipps Seed and Implement Company, of Toledo, Ohio, for seeds furnished to the Department of Agriculture during the fiscal year 1902, accepted by the said Department, and distributed by order of the said Secretary of Agriculture, the sum of \$3,633.11, which sum is hereby appropriated from any money in the Treasury of the United States not otherwise appropriated.

Mr. GAINES of Tennessee. Mr. Chairman, I would like to have somebody explain that. It is a rather unusual bill.

Mr. MILLER. Mr. Chairman, I simply desire to say in relation to that bill that the Philipps Seed and Implement Company

had a contract with the Secretary of Agriculture for furnishing seed for the year mentioned in this report, and under that contract the seed had to be according to a recognized standard or weight. During that year the Secretary of Agriculture found it was impossible to secure sufficient seed for distribution of that degree or quality, and this company, before they furnished any seed under the contract, notified the Secretary that their seed did not measure up to the quality that was desired under the contract. The Secretary notified them that if they furnished the seed that he would waive that provision of law for a penalty to be attached, so that they might be paid for the seed as though it was up to the usual standard. The seed was furnished and sent out, and the Secretary reports favorably upon the bill.

The CHAIRMAN. Without objection, the bill will be laid aside, to be reported to the House with a favorable recommendation.

BECKER BREWING AND MALTING COMPANY.

The next business was the bill (S. 1231) to reimburse the Becker Brewing and Malting Company, of Ogden, Utah, for loss resulting from robbery of the United States mails.

Mr. PAYNE. I object to that. I do not think that ought to go through without presentation to the House. I will object then to the explanation.

The CHAIRMAN. Is there objection to laying the bill aside? Mr. PAYNE. I object.

The CHAIRMAN. The gentleman from New York [Mr. PAYNE] objects. The bill will be passed without prejudice and under the unanimous consent, and the Clerk will report the next bill.

L. BIERTEMPFEL.

The next business was the bill (H. R. 12840) for the relief of L. Biertempfel.

Mr. MANN. Mr. Chairman, I ask that that bill be laid over.

The CHAIRMAN. The gentleman from Illinois [Mr. MANN] objects. The bill will be laid aside without prejudice.

ROCK ISLAND ARSENAL.

The next business was the bill (H. R. 11676) for the relief of persons who sustained property damage caused by fire at the Rock Island Arsenal.

Mr. MANN. Mr. Chairman, I have no objection to the reading of the bill, but I will have to object to the consideration of it at this time.

Mr. DAWSON. Will the gentleman withhold his objection pending an explanation of the bill?

Mr. MANN. Mr. Chairman—

Mr. GARRETT. Mr. Chairman, I think I understand the bill, and can—

Mr. MANN. Mr. Chairman, the gentleman asks if I would reserve the objection. As far as I am concerned I am perfectly willing; but if the committee desires to go through this Calendar and pass bills not objected to, it is very evident that purpose will not be accomplished and take up these bills for consideration. This particular bill will probably be reached for consideration.

Mr. DAWSON. Mr. Chairman, I withdraw the request.

The CHAIRMAN. The bill will be laid aside without prejudice.

JAMES A. CARROLL.

The next business on the Private Calendar was the bill (H. R. 8699) for the relief of James A. Carroll.

The bill was read, as follows:

A bill (H. R. 8699) for the relief of James A. Carroll.

Be it enacted, etc., That the Postmaster-General be, and he is hereby, authorized and directed to cause the accounts of James A. Carroll, postmaster at Randall, State of Kansas, to be credited with the sum of \$99, and that he cause said credit to be certified to the Auditor of the Treasury for the Post-Office Department, being on account of the loss of \$99 in postal funds lost in transit, the mail pouch in which same was consigned being stolen from the Jamestown, Kans., post-office and the money abstracted therefrom, it appearing that said loss was without fault or negligence on the part of the postmaster; and the said sum of \$99 is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to pay said claim.

The CHAIRMAN. Is there objection to laying the bill aside with a favorable recommendation? [After a pause.] The Chair hears none, and it is so ordered.

W. S. HAMMAKER.

The next business on the Private Calendar was the bill (H. R. 13418) for the relief of W. S. Hammaker.

Mr. MANN. I shall object to this bill.

Mr. MILLER. I ask that the bill be laid aside without prejudice.

The bill was ordered to be laid aside without prejudice.

DAVID C. HAYNES.

The next business on the Private Calendar was the bill (H. R. 9298) for the relief of the estate of David C. Haynes, deceased.

Mr. PAYNE. I shall object to that bill. It is one of the old post-office cases.

The CHAIRMAN. The bill will be laid aside without prejudice.

P. S. CORBETT.

The next business on the Private Calendar was the bill (S. 1894) for the relief of P. S. Corbett.

Mr. MANN. I ask that that bill be laid aside.

The bill was ordered to be laid aside without prejudice.

JOHN B. BROWN.

The next business on the Private Calendar was the bill (H. R. 15594) for the relief of John B. Brown.

Mr. PAYNE. Mr. Chairman, I shall object to that bill. It gives a man the privilege of citizenship.

Mr. MILLER. This bill comes from the Committee on the Judiciary, and I do not know anything about it.

Mr. MANN. Does the gentleman from New York object? I think he is making a mistake in this bill.

Mr. PAYNE. I do not think so. This same committee is reporting bills in favor of people because they are not citizens, and I do not know why we should give the privilege of citizenship to a man who is not.

Mr. MANN. Of this case I know nothing except that which I have learned from examination. I do not know anything about the parties. In this case the person would have the right to have his case adjusted if he was a citizen, and he claims that his citizenship papers were destroyed.

Mr. PAYNE. And when you go to where he says he was made a citizen you find nothing on file.

Mr. MANN. I understand; but in view of the fact that he had acted as a citizen and held office—

Mr. WALDO. Mr. Chairman, as I understand, the unanimous agreement was made that if objection was made, the bill should be laid aside.

Mr. MANN. If the gentleman objects, why of course the bill will be laid aside.

Mr. WALDO. He has objected. Let us lay it aside.

The bill was ordered to be laid aside without prejudice.

CHARLES T. RADER.

The next business on the Private Calendar was the bill (S. 538) for the relief of Charles T. Rader.

The bill was read, as follows:

A bill (S. 538) for the relief of Charles T. Rader.

Be it enacted, etc., That Charles T. Rader, of Fort Logan, Mont., be, and is hereby, authorized and empowered to select by contiguous legal subdivisions, at such place or places as he may desire in the State of Montana, 480 acres of unoccupied and unappropriated nonmineral public lands, subject to entry under desert-land laws, and when such selection shall be by him certified to the Secretary of the Interior patent shall be issued to said Rader for the same.

The CHAIRMAN. Is there objection to laying the bill aside with a favorable recommendation? [After a pause.] The Chair hears none, and it is so ordered.

J. TENNANT STEEB.

The next business on the Private Calendar was the bill (H. R. 1371) to refund to J. Tennant Steeb certain duties erroneously paid by him, without protest, on goods of domestic production shipped from the United States to Hawaii and thereafter returned.

The bill was read, as follows:

A bill (H. R. 1371) to refund to J. Tennant Steeb certain duties erroneously paid by him, without protest, on goods of domestic production shipped from the United States to Hawaii and thereafter returned.

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to refund and repay from the appropriation "To repay to importers the excess of deposits for unascertained duty or duties or other moneys paid under protest," made by section 6689 of the Revised Statutes, the sum of \$2,360.83, paid without protest by J. Tennant Steeb as duties upon certain scrap iron and pig lead, products of the industry of the United States, shipped to Hawaii and thereafter returned to the United States by the American schooner F. S. Redfield, and entered at the subport of Tacoma, State of Washington, on September 25, 1901, and subsequent to the passage of the act approved April 30, 1900, entitled "An act to provide a government for the Territory of Hawaii."

Mr. GARRETT. I would like to ask the gentleman from New York if this is the unanimous report of the committee on this particular bill? It is from the Committee on Ways and Means.

Mr. PAYNE. My recollection is that it was. The gentleman from Ohio [Mr. GROSVENOR] reported the bill.

Mr. GROSVENOR. It was a unanimous report.

Mr. PAYNE. That is my recollection, and that it had been recommended by the Department on the facts stated by them.

The CHAIRMAN. Is there objection to laying the bill aside with a favorable recommendation? [After a pause.] The Chair hears none, and it is so ordered.

ARMY MANEUVERS AT WEST POINT, KY.

The next business on the Private Calendar was the bill (H. R. 6602) providing for the payment of certain claims growing out of the Army maneuvers at West Point, Ky., in 1903.

Mr. MILLER. I want to inquire if that is not a bill the item for which is covered in the military appropriation bill?

Mr. MANN. Let it pass.

Mr. CRUMPACKER. I think this bill ought to lie on the table.

Mr. PAYNE. I ask unanimous consent that the bill be allowed to lie on the table.

Mr. BARTLETT. But the Senate might strike out the appropriation.

Mr. PAYNE. I do not think there is any danger of that.

Mr. MILLER. I suggest that the bill be laid aside without prejudice.

The bill was ordered to be laid aside without prejudice.

POSTAL TELEGRAPH CABLE COMPANY.

The next business on the Private Calendar was the bill (H. R. 7028) for the relief of the Postal Telegraph Cable Company.

Mr. MANN. I ask that that bill be laid aside.

The bill was ordered to be laid aside without prejudice.

PAY DIRECTOR E. B. ROGERS, UNITED STATES NAVY.

The next business was the bill (S. 2262) for the relief of Pay Director E. B. Rogers, United States Navy.

The bill was read.

Mr. DAWSON. Mr. Chairman, I ask that that bill be laid aside without prejudice.

The CHAIRMAN. The gentleman from Iowa asks unanimous consent that the bill be passed without prejudice. Under the rule it is so ordered.

DELIA B. STUART.

The next business was the bill (H. R. 14232) for the relief of Delia B. Stuart, widow of John Stuart.

The bill was read.

Mr. MANN. Mr. Chairman, I make the point of order that the Committee on Claims has no jurisdiction to report this bill.

Mr. LITTLEFIELD. Why not object to it, and let it go by without debate?

Mr. MANN. No; the question might as well be settled now as at any other time. This is a war claim and ought to go to the Committee on War Claims.

Mr. MILLER. Mr. Chairman, this bill has been referred both to the Committee on War Claims and to the Committee on Claims, and the Committee on War Claims have already favorably reported it to the House. The Committee on Claims have also favorably reported it.

Mr. MANN. That is what I am objecting to, letting a man have two days in court when he is only entitled to one.

Mr. MILLER. The gentleman from Illinois evidently does not want him to have any day in court at all.

Mr. MANN. I do not propose to dispute with my very eminent and distinguished friend from Kansas.

The CHAIRMAN. Does the gentleman from Kansas concede that the bill arises out of a war claim?

Mr. MILLER. I am inclined to think that technically it does. Mr. MANN. It could only arise out of a war claim. It is for the repayment of bounties. Bounties have never been offered under the law, except in case of war.

Mr. MILLER. I think the gentleman is technically correct, and if he insists on it he has the right to do so.

The CHAIRMAN. The gentleman from Illinois makes the point of order that the bill should be referred to the Committee on War Claims, and the Chair sustains the point of order. The bill will be reported to the House for reference to the Committee on War Claims.

JOSEPH W. I. KEMPA.

The next business was the bill (H. R. 9212) for the relief of Joseph W. I. Kempa, executor of the last will and testament of William J. Grutza, deceased.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to cause all assessment of inheritance tax against J. W. I. Kempa, executor of the last will and testament of William J. Grutza, deceased, to be abated; and that the Secretary of the Treasury be, and he is hereby, authorized and directed to refund the inheritance tax so collected by reason of the assessment made by the Commissioner of Internal Revenue against the said estate, and that the said executor be relieved from the payment of any such tax which may

have attached to the said property by reason of the operation of the said law of June 13, 1898.

The CHAIRMAN. Is there objection to laying the bill aside with a favorable recommendation?

There was no objection.

Accordingly the bill was ordered to be laid aside to be reported to the House with a favorable recommendation.

CERTAIN TONNAGE DUTIES.

The next business was the bill (S. 1169) for the refund of certain tonnage duties.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to refund, out of any money in the Treasury not otherwise appropriated, additional tonnage taxes at the rate of \$1 per ton, amounting to \$908, levied before May 15, 1905, on the steamer Banes, under the flag of Panama.

The CHAIRMAN. Is there objection to laying aside the bill with a favorable recommendation?

There was no objection.

Accordingly the bill was ordered to be laid aside to be reported to the House with a favorable recommendation.

HEIRS OF M. A. PHELPS ET AL.

The next business was the bill (H. R. 12009) for the relief of the heirs at law of M. A. Phelps and the heirs at law of John W. Renner.

The bill was read.

Mr. MANN. I shall object to that.

Mr. MILLER. Let it be laid aside.

The CHAIRMAN. The gentleman from Illinois objects. Under the order the bill will be laid aside without prejudice.

FRANKLIN PATTERSON.

The next business was the bill (H. R. 3462) for the relief of Franklin Patterson.

The Clerk began the reading of the bill.

Mr. SHACKLEFORD. Mr. Chairman, in order to save time, I will ask consent that I may be permitted to object now, and that the bill be laid aside without prejudice.

The CHAIRMAN. The gentleman from Missouri objects. The bill will be laid aside without prejudice.

MATTHEW J. DAVIS.

The next business was the bill (H. R. 1563) for the relief of Matthew J. Davis.

The bill was read, as follows:

Be it enacted, etc., That the sum of \$1,588.24 be, and is hereby, appropriated to Matthew J. Davis, for damages to his schooner Lillie, caused by fire on the 21st day of January, 1902, while she was in charge of the United States quarantine officer at Ship Island, near Biloxi, Miss.

Mr. MANN. Mr. Chairman, I do not wish to object to the consideration of this bill.

The CHAIRMAN. Is there objection to laying the bill aside with a favorable recommendation?

Mr. MANN. I wish to ask the gentleman—

The CHAIRMAN. Does the gentleman from Kansas yield?

Mr. MILLER. Certainly.

Mr. MANN. This bill provides not only for the payment of damages caused by a fire which it is claimed the quarantine officers, through negligence or otherwise, permitted to be started on board a British ship, but also provides for the payment of a large sum for demurrage.

Does the gentleman think, in matters of this sort, the Government ought to pay the damages which have accrued and then pay the profits that might have accrued? That is what demurrage means. It seems to me like a dangerous proposition.

Mr. MILLER. I am inclined to think this is all right, and the claim ought to be paid.

Mr. MANN. If it were not for the fact that the State Department was on edge about this bill and seemed to think it involves the good relations between this country and Great Britain, between Maine and Canada—

Mr. LITTLEFIELD. That it is an international proposition.

Mr. MANN. Yes.

Mr. PAYNE. I hope the gentleman from Illinois will not object to this bill.

Mr. MANN. I am not going to; it is too late to object.

The bill was laid aside to be reported to the House with a favorable recommendation.

HARPSWELL STEAMBOAT COMPANY, OF PORTLAND, ME.

The next bill on the Private Calendar was the bill (H. R. 4233) to reimburse the Harpswell Steamboat Company, of Portland, Me., for expenses incurred and for repairing damages sustained by its steamer *Sebascodegan* in collision with the U. S. S. *Woodbury*.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to the Harpswell Steamboat Company, of Portland, Me., the sum of \$2,016.25 cents for expenses incurred and for repairing damages sustained by its steamer Sebascodogan in collision with the U. S. S. Woodbury, July 18, 1904, as ascertained and reported to the Secretary of the Treasury by a board of officers constituted to ascertain the same.

The Clerk read the amendments recommended by the committee, as follows:

In line 4, after the word "pay," insert the words "out of any money in the Treasury not otherwise appropriated."

In lines 10 and 11 strike out the words "a board of officers constituted to ascertain the same" and insert in lieu thereof the words "the chief of the Revenue-Cutter Service, the liability having been found by a board of officers constituted to ascertain the same."

Mr. MILLER. Mr. Chairman, I do not want any misunderstanding in the committee. I intended to ask unanimous consent in the beginning that when a bill was laid aside with a favorable recommendation that the amendments were also to be favorably recommended.

Mr. PAYNE. I think that ought to be done, because the amendments are most always in the shape of limitations.

The CHAIRMAN. Without objection, the amendments will be agreed to.

The amendments were agreed to; and the bill was laid aside to be reported to the House, as amended, with a favorable recommendation.

W. B. SUTTER.

The next bill on the Private Calendar was the bill (H. R. 5169) for the relief of W. B. Sutter.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Postmaster-General be, and he is hereby, authorized and directed to allow on the accounts of W. B. Sutter, postmaster at Lindsey, Pa., a credit of \$218.19, for postage stamps and money stolen from said post-office by burglars March 15-16, 1898.

The bill was laid aside to be reported to the House with a favorable recommendation.

L. L. ARRINGTON.

The next business on the Private Calendar was the bill (H. R. 5666) for the relief of L. L. Arrington and L. S. Arrington.

The Clerk read the bill at length.

Mr. MANN. Mr. Chairman, I object to this unless the chairman of the committee can assure us that this claim has been referred to the Attorney-General of the United States.

Mr. MILLER. That, Mr. Chairman, I am not sure about.

Mr. MANN. There is nothing in the report to indicate it.

The CHAIRMAN. Without objection, the bill will be laid aside without prejudice.

There was no objection.

HOLTZER-CABOT ELECTRIC COMPANY.

The next business on the Private Calendar was the bill (H. R. 14381) authorizing and directing the Secretary of the Treasury to pay to the Holtzer-Cabot Electric Company the amount due said company from the Post-Office Department.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of \$4,656, together with such amount for interest as may be found to be due, to the Holtzer-Cabot Electric Company, of Brookline, Mass., the same being the balance due said company from the Post-Office Department for electric motors sold that Department between June 2, 1902, and March 24, 1903.

The Clerk read the amendments recommended by the committee, as follows:

In line 6, after the word "dollars," strike out the words "together with such amount."

In line 7 strike out the words "for interest as may be found to be due."

The amendments were agreed to.

The bill was laid aside to be reported to the House with a favorable recommendation.

M. D. WRIGHT AND ROBERT NEILL.

The next business on the Private Calendar was the bill (H. R. 5022) for the relief of M. D. Wright and Robert Neill.

The Clerk read the bill, as follows:

Be it enacted, etc., That there is hereby appropriated, and the Secretary of the Treasury is authorized to pay, out of any money in the Treasury of the United States not otherwise appropriated, the sum of \$60 to M. D. Wright and Robert Neill. This appropriation is made to reimburse M. D. Wright and Robert Neill for a like amount of money deposited May 26, 1903, in the Boise City National Bank to the credit of the United States to cover cost of survey of Waterloo and Victoria placer-mining claims, per certificate No. 537, which survey has been abandoned by the United States.

Mr. MANN. Mr. Chairman, may I ask the gentleman from Kansas why he did not incorporate in this bill the amendment asked for by the Commissioner of Lands, and if there be any objection to putting that in now?

Mr. MILLER. I do not know; I have no objection at all.

Mr. MANN. It would be much better as a matter of book-keeping. Mr. Chairman, I offer the following amendment:

Strike out the words, in line 4, "of any money" and insert in place thereof the words "out of the funds standing to the credit of the United States from deposits made by individuals for the survey of public land."

Mr. MILLER. There is no objection to the amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

In line 4 strike out the words "of any money" and insert in place thereof the words "out of the fund standing to the credit of the United States from deposits made by individuals for the survey of public land."

The question was taken; and the amendment was agreed to.

The bill as amended was ordered to be laid aside and reported to the House with a favorable recommendation.

M. A. JOHNSON.

The next business on the Private Calendar was the bill (H. R. 15850) for the relief of M. A. Johnson, of Stoughton, Dane County, Wis.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, directed to pay to M. A. Johnson, of Stoughton, Dane County, Wis., the sum of \$180, being the unused balance of a deposit made by the said M. A. Johnson and his associates with the surveyor-general of the State of Idaho for the survey of certain mining claims in the Halley, Idaho, land district, which sum of \$180 was carried into the Treasury of the United States.

With the following amendment:

In line 4, after the word "pay," insert the words "out of the fund standing to the credit of the United States from deposits made by individuals for the survey of public lands."

The CHAIRMAN. The question is on the amendment.

The question was taken; and the amendment was agreed to.

The bill as amended was laid aside with a favorable recommendation.

JOHN SMITH.

The next business on the Private Calendar was the bill (H. R. 2926) for the relief of the heirs of John Smith.

Mr. MANN. Mr. Chairman, I object and ask that that bill go over.

The bill was ordered to be laid aside without prejudice.

COPIAH COUNTY, MISS.

The next business on the Private Calendar was the bill (H. R. 3518) for the relief of Copiah County, Miss.

Mr. MANN. I make the same request as to that bill.

The bill was ordered to be laid aside without prejudice.

AUGUSTUS TRABING.

The next business on the Private Calendar was the bill (S. 4348) for the relief of Augustus Trabling.

The Clerk read the bill, as follows:

Be it enacted, etc., That Augustus Trabling, having served in the Quartermaster's Department of the United States Army, and on guard duty in the forts surrounding the city of Washington, and as blacksmith and wagon repairer with Government trains at Springfield, Ill., and Leavenworth, Kans., in 1865 and 1866, be, and he is hereby, relieved from any disability under the laws of the United States and from any defect of naturalization, and that his case, No. 1432 on the Indian depredations docket of the Court of Claims, which was dismissed for want of such naturalization, may be reinstated, and said Augustus Trabling is authorized to prosecute his said case and to receive judgment thereon the same as if he had been naturalized under the laws of the United States at the date of the loss; and to that end that the Court of Claims be, and hereby is, vested with jurisdiction as if the case were on original trial.

The bill was ordered to be laid aside with a favorable recommendation.

HARBISON-WALKER COMPANY.

The next business on the Private Calendar was the bill (H. R. 8) for the relief of the Harbison-Walker Company, of Pittsburgh, Pa.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury (notwithstanding any statutory bar of limitation, and notwithstanding the requirements of the statutes as to payment under protest) be, and he is hereby, authorized and directed to reopen and reconsider all claims of W. N. Reardon, of New York City, N. Y., or the Harbison-Walker Company, of Pittsburgh, Pa., for the refunding to them or either of them, as their interest may appear, the sum of \$1,820, alleged to have been improperly or illegally collected in the year 1901 by the collector of the port of New York, as assessed by the appraiser of the port of New York, and paid without protest by one or both of the above-named parties as duties upon five importations of magnesite, namely: Entry No. 35982, paid May 14, 1901, \$1,315.40; entry No. 54764, paid May 14, 1901, \$99; entry No. 45293, paid May 14, 1901, \$131.60; entry No. 67884, paid June 1, 1901, \$100; entry No. 83599, paid October 7, 1901, \$174; total, \$1,820; and the Secretary of the Treasury is hereby authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, such amounts, not exceeding in the aggregate \$1,820, as shall be shown to have been improperly or illegally collected as duties as aforesaid.

The bill was ordered to be laid aside with a favorable recommendation.

T. J. H. HARRIS.

The next business on the Private Calendar was the bill (H. R. 6417) for the relief of T. J. H. Harris.

Mr. CRUMPACKER. Mr. Speaker, I object to that, and ask that it be put over without prejudice.

The bill was ordered to be laid aside without prejudice.

Mr. JOHNSON. Mr. Chairman, I ask unanimous consent that I may have two minutes to make a statement in regard to that bill.

Mr. PAYNE. I do not think the gentleman ought to break up this order in that way. We will return to most of these bills if we can get along without interruption.

The CHAIRMAN. The bill has been simply laid aside without prejudice and may be returned to. The Clerk will report the next bill.

CHARLES S. BLOOD.

The next business on the Private Calendar was the bill (H. R. 2702) for the relief of Charles S. Blood.

Mr. MANN. Mr. Chairman, I make the point of order that the Committee on Claims has no jurisdiction to report this bill, it being a war claim and properly referable to the Committee on War Claims. It shows on its face that it is a war claim.

Mr. MILLER. I shall not take up the time of the committee in discussing the matter, Mr. Chairman.

The CHAIRMAN. The gentleman from Illinois makes the point of order that the Committee on Claims has no jurisdiction of this particular bill, and the point of order is sustained. The bill will be referred back to the House to be referred to the Committee on War Claims.

JOHN HUDGINS.

The next business on the Private Calendar was the bill (H. R. 13357) for the relief of John Hudgins.

Mr. MANN. Mr. Chairman, I object to that.

The CHAIRMAN. Objection is made, and the bill is ordered to be laid aside without prejudice.

JOHN WALLER.

The next business on the Private Calendar was the bill (H. R. 6104) to reimburse John Waller, late postmaster at Monticello, N. Y., for moneys expended in carrying the mails.

Mr. MANN. Mr. Chairman, I object to that and ask that it go over.

The bill was ordered to be laid aside without prejudice.

REFUNDING OF CERTAIN MONEY.

The next business on the Private Calendar was the bill (H. R. 5) to provide for the refunding of certain money, etc.

Mr. GARRETT. I would ask the number of the bill?

The CHAIRMAN. The bill is H. R. 5.

Mr. GARRETT. In order to save time I will ask now that that bill go over.

The bill was ordered to be laid aside without prejudice.

C. A. BERRY.

The next business on the Private Calendar was the bill (H. R. 8365) for the relief of C. A. Berry.

Mr. SHACKLEFORD. Mr. Chairman, I will ask that that bill be laid aside without prejudice.

The bill was ordered to be laid aside without prejudice.

GEORGE W. SCHROYER.

The next business on the Private Calendar was the bill (H. R. 16581) for the relief of George W. Schroyer.

Mr. SHACKLEFORD. Mr. Chairman, I make the same request in connection with that bill.

The bill was ordered to be laid aside without prejudice.

POSTAL TELEGRAPH CABLE COMPANY.

The next bill on the Private Calendar was the bill (S. 2368) for the relief of the Postal Telegraph Cable Company.

Mr. SHACKLEFORD. Mr. Chairman, I ask that that bill be laid aside without prejudice.

The bill was ordered to be laid aside without prejudice.

ALICE M. STAFFORD.

The next business on the Private Calendar was the bill (S. 2578) for the relief of Alice M. Stafford, administratrix of the estate of Capt. Stephen R. Stafford.

Mr. SHACKLEFORD. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. SHACKLEFORD. Would it be in order to object to all of the bills on the Private Calendar en bloc?

The CHAIRMAN. The Chair thinks not, under the unanimous consent agreed to.

Mr. SHACKLEFORD. Mr. Chairman, I desire to say this

to the gentleman from Kansas: There is a sifting process in operation here by which some discrimination may be worked. Let us put all on the contested calendar and have all on the same footing.

Mr. BURLESON. Some Members have claims to which there is no objection. I have no objection to explaining mine.

RELIEF OF CERTAIN CUSTOMS INSPECTORS OF THE PORT OF NEW YORK.

The next bill on the Private Calendar was the bill (H. R. 17957) for the relief of certain customs inspectors of the port of New York.

Mr. MANN. Mr. Chairman, I shall object to that bill.

The bill was ordered to be laid aside without prejudice.

J. W. BAUER AND OTHERS.

The next business on the Private Calendar was the bill (H. R. 2326) for the relief of J. W. Bauer and others.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed, out of any money in the Treasury not otherwise appropriated, to pay to the following-named persons, citizens of Louisville, Ky., the respective sums following their names, to wit: J. W. Bauer, \$24; Frank Bleemer, \$24; C. J. Finnegan, \$24; Samuel Goldsmith, \$16; John Hopmeister, \$24; L. A. Kissel, \$24; M. J. Madden, \$6; W. J. Schieber, \$24; T. J. Wathen, \$24; Windhorst & Grimmer, \$24; I. Schafer, \$24; J. A. Hess, \$12; Daniel Scherer, \$24; Sebastian Weisbach, \$12; John Heinz & Co., \$24; Oscar E. Rehn, \$24; John W. Kleier, \$24; Mrs. G. Caudel, \$24; Frank E. Muth, \$24; Mrs. E. C. Jansen, \$24; G. H. Young, \$24; Charles Boeswald, \$24; Fred Keller, \$24; Frank Zeigler, \$24; Joseph Kaelin, \$24; G. Schlange, \$24; J. B. King, \$24; Woodford Blanton, \$24; C. W. Hall, \$6; C. A. Henson, \$24; John L. Gruber, \$12; C. A. Culver, \$8; Fred Gausmann, \$16.80; H. B. Kruse, \$10.50; J. S. Reynolds, \$18.90; Christ Keller, \$16, being the amount assessed against and paid by said parties to the United States Government as penalty for failure to make return for special tax as retail dealers of oleomargarine.

The bill was ordered to be laid aside with a favorable recommendation.

Mr. RUCKER. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. RUCKER. I would like to know if under the unanimous consent to-day it is in order here for Members to sit and arbitrarily object to bills which are unobjectionable, or to make objection to bills which are objectionable?

The CHAIRMAN. That is a matter that rests with the discretion of the Member.

Mr. RUCKER. I do not desire to antagonize any legitimate bills, but if a bill of mine should be antagonized I would want to know some reason why it should be antagonized.

Mr. PERKINS. I will state I have examined some of these bills by request, and to those which seem plainly just I shall not object.

Mr. RUCKER. I have a bill on this Calendar which if any gentleman thinks is unjust, if I am permitted to explain or even have it read to this committee, I know there will be no objection, but I do object to this arbitrary proceeding.

The CHAIRMAN. The Chair will state to the gentleman from Missouri, under unanimous consent bills to which objection is not made will be passed with a favorable recommendation, those to which objection is made will be laid aside without prejudice, and taken up for discussion afterwards.

Mr. RUCKER. That means to be laid aside for some other Congress, and that in the meantime my old constituent—80 years old—will have passed from this life.

The CHAIRMAN. The opinion of the Chair is that as soon as the unobjectionable bills have been disposed of those to which objection is made will be taken up as rapidly as possible.

Mr. RUCKER. Mr. Chairman, I ask unanimous consent to return to Calendar No. 2829 for just one moment.

The CHAIRMAN. The gentleman from Missouri [Mr. RUCKER] asks unanimous consent to return to Calendar No. 2829.

Mr. PAYNE. Mr. Chairman, I want to say to the gentleman from Missouri that if he will wait until after we get through with the unobjectionable bills, I will not object; otherwise I will object now.

Mr. MANN. Mr. Chairman, I ask unanimous consent that the gentleman may have two minutes to make a statement.

Mr. MILLER. May I ask the gentleman from Illinois if after the gentleman from Missouri [Mr. RUCKER] has been heard for two minutes, the gentleman from Illinois will object to the consideration of the bill?

Mr. MANN. I will.

Mr. MILLER. There is no objection to letting the gentleman be heard for two minutes, as his bill is a meritorious one and ought to pass, but I object to him taking the two minutes now.

Mr. RUCKER. Mr. Chairman, I do not want to trespass upon the committee. I supposed we had a right to vote. I do not suppose that the gentleman from Illinois [Mr. MANN] will be

arbitrary enough to defeat this Congress in doing what is right, and so far as I am concerned I would like to put the question to the House.

Mr. BURLESON. As I understand it, the gentleman will have an opportunity to put it to the House.

Mr. MILLER. Regular order, Mr. Chairman.

MATTHEW J. DAVIS.

The next business upon the Private Calendar was the bill (S. 5560) for the relief of Matthew J. Davis.

The Clerk reported the bill, as follows:

Be it enacted, etc., That the sum of \$1,588.24 be, and is hereby, appropriated to Matthew J. Davis, for damages to his schooner Lillie, caused by fire on the 21st day of January, 1902, while she was in charge of the United States quarantine officer at Ship Island, near Biloxi, Miss.

Mr. CRUMPACKER. Mr. Chairman, the committee just passed a bill like that, or agreed to it, a few moments ago—a House bill. I suggest now that the Senate bill be agreed to, and that the action of the committee in agreeing to the House bill be reconsidered, and that the House bill do lie on the table.

Mr. MANN. That can be done by unanimous consent. I ask unanimous consent to reconsider the action by which the House bill was agreed to. The House bill could be laid on the table when in the House.

Mr. CRUMPACKER. The committee could move to lay it aside, with recommendation.

Mr. PAYNE. Mr. Chairman, I want to suggest that if this bill is recommended favorably the rest of it could be done in the House. That is all we could do.

Mr. CRUMPACKER. We have already laid it aside.

The bill was ordered to be laid aside and reported to the House with a favorable recommendation.

M. A. JOHNSON.

The next business upon the Private Calendar was the bill (S. 4819) for the relief of M. A. Johnson.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to M. A. Johnson, of Stoughton, Dane County, Wis., the sum of \$180, being the unused balance of a deposit made by the said M. A. Johnson and his associates with the surveyor-general of the State of Idaho for the survey of certain mining claims in the Hailey, Idaho, land district, which sum of \$180 was carried into the Treasury of the United States.

Also the following amendment:

In line 4, after the word "pay," insert the words "out of the fund standing to the credit of the United States from deposits made by individuals for the survey of public lands," striking out, in lines 4 and 5, the words "out of any money in the Treasury not otherwise appropriated."

Mr. COOPER of Wisconsin. Mr. Chairman, in order to save time, I would like to ask the gentleman in charge of the bill if that is not the same bill, this being a Senate bill for the relief of M. A. Johnson?

Mr. MILLER. The House bill was favorably recommended, and now we are asking that the Senate bill be laid aside with a favorable recommendation, so that in the House we may move to substitute the House bill for the Senate bill.

The bill as amended was ordered to be laid aside and reported to the House with a favorable recommendation.

ELI PETTIJOHN.

The next business was resolution (H. Res. 406) for the relief of Eli Pettijohn.

The Clerk reported the resolution, as follows:

Resolved, That the bill (H. R. 10553) for the relief of Eli Pettijohn, now pending in the House of Representatives, together with all the accompanying papers, be, and the same is hereby, referred to the Court of Claims, in pursuance of the provisions of an act entitled "An act to provide for the bringing of suits against the Government of the United States," approved March 3, 1887; and the said court shall proceed with the same in accordance with the provisions of said act and report to the House of Representatives in accordance therewith their findings of fact and law, and especially the value of the property taken from the said Eli Pettijohn by the United States, and whether said Pettijohn's claim is or was properly against the United States or against one Franklin Steele or some other person or corporation.

Mr. MANN. Mr. Chairman, I make the point of order against the resolution on the ground that the Committee on Claims has no authority to report it. This is a matter that relates to the War Claims Committee, being for the payment of lands seized for a fort in 1861, during the war.

The section of the report in this bill would indicate—

Mr. WALDO. Mr. Chairman, I think we had better lay this bill aside and let it come up for discussion afterwards. I think it was properly referred to the committee.

Mr. MANN. I am perfectly willing to let it take that course, provided that I do not lose the right to make the point of order.

The CHAIRMAN. The bill will be laid aside without prejudice.

GOTLOB GROEZINGER.

The next business on the Private Calendar was the bill (S. 1668) for the relief of the administrator of the estate of Gotlob Groezinger.

The bill was read, as follows:

A bill (S. 1668) for the relief of the administrator of the estate of Gotlob Groezinger.

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to refund and pay back, out of any money in the Treasury not otherwise appropriated, to E. A. Groezinger, administrator of the estate of the late Gotlob Groezinger, the sum of \$1,047.60, taxes collected upon 1,164 gallons of grape brandy which had been destroyed by fire in the distillery of said Gotlob Groezinger: *Provided,* That it shall be made to appear to the satisfaction of the Secretary that said brandy had been accidentally destroyed by fire in the distillery before the tax thereon had been paid, and without the fraud, collusion, or negligence of the owner thereof.

The CHAIRMAN. Without objection, the bill will be laid aside with a favorable recommendation.

There was no objection.

REFUND OF CERTAIN MONEY.

Mr. GARRETT. Mr. Chairman, a few moments ago I objected to the consideration of the bill (H. R. 5) to provide for the refunding of certain money, and so forth. I have since looked at the report, and I shall not object now to the bill being considered.

The CHAIRMAN. The bill has been read, and if there is no objection it will be laid aside with a favorable recommendation. There was no objection.

ORDER OF BUSINESS.

Mr. RUCKER. Mr. Chairman, I renew my request for unanimous consent to return to the claim, Calendar No. 2829. I do not want to obstruct this procedure.

The CHAIRMAN. The gentleman asks unanimous consent for the consideration of the bill H. R. 13357. Is there objection?

Mr. MANN. I have no objection, but—

Mr. RUCKER. Mr. Chairman, I will say that if there is any assurance that we can reach the bill during the day I will have no objection.

Mr. PAYNE. I suggest to the gentleman from Missouri that he wait until we get through the bills to which no objection is offered, and then we can reach his bill.

Mr. RUCKER. Let me modify my request. Let me ask unanimous consent that after we shall have passed all the bills not objected to that we shall return to the bill to which I have referred.

Mr. MILLER. Mr. Chairman, I will make no objection to the request of the gentleman from Missouri, but in view of the fact that the gentleman from Illinois insisted upon his objection, I must object.

Mr. RUCKER. I do not think the gentleman heard my request.

Mr. MILLER. What is it?

Mr. RUCKER. My request is that after we have gone through the Calendar and disposed of all bills unobjected to that we return to Calendar No. 2829.

Mr. BUTLER of Pennsylvania. Is it not agreed by the committee that we should return to the beginning of the Calendar?

The CHAIRMAN. That is the unanimous consent.

Mr. BUTLER of Pennsylvania. Let the agreement of the committee be enforced.

Mr. JOHNSON. I want to ask unanimous consent—

Mr. MILLER. I shall object to unanimous consent. I have no objection to the request of the gentleman from Missouri and would have none to that of the gentleman from South Carolina, but if we were to continue here making these requests we will not report any of these bills. I will not object when we come to the consideration of these bills, after we have gone through the Calendar, that those two claims may be taken up, but I object to doing it now.

Mr. BUTLER of Pennsylvania. Let the consideration of the Calendar stand as it is.

Mr. WALDO. Regular order.

Mr. JOHNSON. I would like to know what disposition was made of the request of the gentleman from Missouri [Mr. RUCKER]?

The CHAIRMAN. The gentleman from Kansas announced his objection.

UNIVERSITY OF OKLAHOMA.

The next business on the Private Calendar was the bill (H. R. 17431) granting to the regents of the University of Oklahoma section No. 36, in township No. 9 north of range No. 3 west of the Indian meridian, in Cleveland County, Okla.

Mr. BEALL of Texas. Mr. Chairman, how does that bill hap-

pen to be on the Calendar? That is from the Committee on Territories.

The CHAIRMAN. The rule provides that all private bills except bills reported from the Committee on Pensions and Invalid Pensions shall be in order for consideration at this time.

Mr. BEALL of Texas. I shall object to the consideration of the bill at this time.

The bill was ordered to be laid aside without prejudice.

DONATING LANDS IN OKLAHOMA.

The next bill on the Private Calendar was the bill (H. R. 18850) donating lands in Oklahoma Territory for educational purposes.

Mr. BEALL of Texas. Mr. Chairman, I desire to object to the consideration of this bill at this time.

The bill was ordered to be laid aside without prejudice.

COMPANIA DE LOS FERROCARRILES DE PUERTO RICO.

The next bill on the Private Calendar was the bill (H. R. 18134) for the relief of the Compañia de los Ferrocarriles de Puerto Rico.

Mr. MANN. Mr. Chairman, I shall object to the consideration of this bill at this time.

The bill was ordered to be laid aside without prejudice.

THE SNARE & TRIEST COMPANY.

The next business on the Private Calendar was the bill (H. R. 18020) for the relief of Snare & Triest.

The bill was read as follows:

A bill (H. R. 18020) for the relief of Snare & Triest.

Be it enacted, etc., That the claim of Snare & Triest for reimbursement for loss and damage to barge, tools, and machinery, resulting from a collision with the U. S. S. Colorado on the night of April 9, 1905, at the League Island Navy-Yard, be, and the same is hereby, referred to the Court of Claims, with jurisdiction to hear and determine the same to judgment: *Provided*, That the petition is filed within six months from the passage of this act.

The amendments recommended by the committee were read, as follows:

In line 3, after the word "of," strike out the words "Snare & Triest" and insert in lieu thereof "the Snare & Triest Company;" and amend the title so that it will read: "For the relief of the Snare & Triest Company."

In line 6 strike out "April" and insert "February."

Mr. MANN. Mr. Chairman, I do not wish to object to the bill. I wish to know from the gentleman whether he thinks the bill will accomplish anything under the law? This does not seem to change the law as to torts. The Court of Claims can render no judgment or findings against the Government for a tort. This provides that the Court of Claims shall have jurisdiction to hear and determine the case to judgment. Does that change the law about the responsibility of the United States for torts? I do not think that the gentleman has considered it very well.

The amendments recommended by the committee were agreed to.

The bill was ordered to be laid aside with a favorable recommendation.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. BENNET of New York having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had passed without amendment bills of the following titles:

H. R. 16944. An act to amend section 878 of the Code of Law for the District of Columbia;

H. R. 14900. An act to extend Fourth street NE.;

H. R. 14815. An act for the extension of Harvard street, Columbia Heights, District of Columbia;

H. R. 10843. An act authorizing the extension of Kenyon street NW.;

H. R. 8435. An act for the opening of Fessenden street NW., District of Columbia;

H. R. 128. An act for the opening of a connecting highway between Waterside drive and Park road, District of Columbia; and

H. R. 121. An act authorizing the extension of Seventeenth street NW.

The committee resumed its session.

HENRY HIRSCHBERG.

The next business was the bill (H. R. 9386) for the relief of Henry Hirschberg.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of \$410, to Henry Hirschberg, of St. Louis, Mo., the same being balance due him on salary as inspector of leather goods and hardware for the Indian Service.

The CHAIRMAN. If there be no objection, the bill will be laid aside to be reported to the House with a favorable recommendation.

There was no objection.

DAVISON CHEMICAL COMPANY.

The next business was the bill (H. R. 8670) for the relief of the Davison Chemical Company, of Baltimore, Md.

The bill was read.

Mr. MANN. Mr. Chairman, I object.

The CHAIRMAN. Objection is made. The bill will be laid aside without prejudice.

T. B. STACKHOUSE.

The next business was the bill (H. R. 6418) for the relief of T. B. Stackhouse, a deputy collector of internal revenue for the district of South Carolina during the fiscal year 1894 and 1895.

The bill was read, as follows:

Whereas T. B. Stackhouse, a deputy collector of internal revenue for the district of South Carolina during the fiscal year 1894 and 1895, failed to receive balance due him on account of traveling expenses for that year, his claim for such having miscarried between the offices of the collector of internal revenue, Columbia, S. C., and the Commissioner of Internal Revenue, Washington, D. C., for which no blame could attach to him; and

Whereas, while said claim is justly due and owing said T. B. Stackhouse, it is now barred by the statute of limitations: Therefore,

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to T. B. Stackhouse the sum of \$72.32, being the balance due for necessary traveling expenses as deputy collector of internal revenue for the district of South Carolina for the fiscal year ended June 30, 1895.

The following committee amendment was read:

Strike out the preamble.

The amendment was agreed to.

The CHAIRMAN. If there be no objection, the bill will be laid aside to be reported to the House with a favorable recommendation.

There was no objection.

JAMES W. KENNEY AND OTHERS.

The next business was the bill (H. R. 8727) for the relief of James W. Kenney and the Union Brewing Company.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay James W. Kenney, proprietor of the Park Brewery, the sum of \$337.50, with interest from September 28, 1897, and to James W. Kenney, treasurer of the Union Brewing Company, the sum of \$440.62, with interest from September 28, 1897, said sums having been paid by said James W. Kenney under an illegal assessment for short-tax beer.

The following amendments, recommended by the Committee on Claims, were read:

In line 6, after the word "cents," strike out the words "with interest from September 28, 1897."

In line 10 strike out the words "with interest from September 28, 1897."

The amendments were agreed to.

The CHAIRMAN. If there be no objection, the bill will be laid aside to be reported to the House with a favorable recommendation.

Mr. RUCKER. Mr. Chairman, was there any objection made to that bill?

The CHAIRMAN. No objection has been heard.

Mr. RUCKER. I merely want to express my surprise that that bill was not objected to.

The CHAIRMAN. There being no objection, the bill will be laid aside to be reported to the House with a favorable recommendation.

BARCLAY H. WARBURTON.

The next business was the bill (H. R. 3577) for the relief of Barclay H. Warburton.

The bill was read.

Mr. MANN. Mr. Chairman, I make the point of order that the Committee on Claims has no jurisdiction to report this bill. It shows on its face that it grows out of the war with Spain.

Mr. GRAHAM. Will the gentleman permit me?

Mr. MANN. I will reserve the point of order if the gentleman desires.

Mr. GRAHAM. If you please.

The CHAIRMAN. The gentleman from Illinois reserves the point of order.

Mr. RUCKER. Mr. Chairman, in order to save time, I will make the point.

The CHAIRMAN. The gentleman from Missouri makes the point of order.

Mr. MANN. Does the gentleman from Missouri make the point of order or object?

Mr. RUCKER. I want to do whatever is most effective in disposing of the bill.

Mr. MANN. Making the point of order is most effective—
Mr. RUCKER. If I am forced to help the gentleman from Illinois, I will do so.

Mr. MANN. I am delighted to have such able assistance. I was about to say that if the point of order will lie, that is most effective. The objection would simply pass the bill without prejudice.

Mr. GRAHAM. I think the gentleman does not understand the bill.

Mr. RUCKER. I am sure I know as much about it as some other gentlemen who have objected here.

Mr. GRAHAM. This is not a claim growing out of the civil war. It arises out of the Spanish war.

Mr. MANN. The gentleman from Missouri does not make the point of order.

Mr. GRAHAM. He reserves it.

Mr. MANN. I am afraid the gentleman from Missouri has gone back on me.

Mr. RUCKER. If the gentleman from Illinois has any doubt about it, I want to proclaim publicly that I have gone back on him.

The CHAIRMAN. The point of order has been made, as the Chair understands.

Mr. GRAHAM. The point of order was reserved.

Mr. MANN. I am perfectly willing to reserve the point of order if the gentleman wishes to take time.

Mr. GRAHAM. I desire to call the attention of the House to the fact that this is not a civil-war claim. This grows out of the Spanish-American war, and all such claims have been referred to the Claims Committee and not the War Claims Committee.

Mr. RUCKER. I want to ask by what right one gentleman is allowed to speak here in advocacy of a claim, while other gentlemen are not?

Mr. GRAHAM. I am only replying to the point of order.

The CHAIRMAN. The Chair is ready to rule on the point of order. The rule makes no distinction, whether a claim arises out of the civil war or the war with Spain or any other war. The point of order is well taken.

Mr. BUTLER of Pennsylvania. Is it not too late to make the point of order after the committee has acted on it?

Mr. MILLER. Regular order!

The CHAIRMAN. As the Chair understands it, the committee has not acted on it. The point of order was reserved. The Chair has ruled on the point of order. Under the ruling of the Chair the bill will be reported back to the House with the recommendation that it be referred to the Committee on War Claims.

JOHN EFFINGER.

The next business on the Private Calendar was the bill (H. R. 10305) to provide for the repayment of certain customs dues.

The Clerk read the bill, as follows:

Be it enacted, etc., That the sum of \$111.70 is hereby appropriated, out of any money in the Treasury not otherwise appropriated, for the repayment of the customs duties wrongfully collected at the port of Honolulu, in the Territory of Hawaii, on entries Nos. 185, 357, 480, 896, 1154, and 2705, in the months of February, April, July, August, September, and October, of the year 1901, made by John Effinger.

Mr. GAINES of Tennessee. Mr. Chairman, I would like to ask the gentleman if these taxes were paid under protest?

Mr. MILLER. The bill is favorably reported by the committee.

Mr. GAINES of Tennessee. That does not answer my question.

Mr. MILLER. These were paid under protest.

The bill was ordered to be laid aside to be reported to the House with a favorable recommendation.

WILEY CORBETT.

The next business on the Private Calendar was the bill (H. R. 14464) for the relief of Wiley Corbett.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Treasurer of the United States is hereby authorized and directed to pay, out of any funds in the United States Treasury not otherwise appropriated, the sum of \$303.38 to Wiley Corbett.

The committee amendment was read, as follows:

After the word "Corbett," in line 7, add the following: "On account of unused revenue stamps for whisky produced by the said Corbett and destroyed by fire before such stamps were issued."

The committee amendment was agreed to.

The bill was laid aside to be reported to the House with a favorable recommendation.

THOMAS P. MORGAN.

The next business on the Private Calendar was the bill (H. R. 12881) to pay Thomas P. Morgan the amount found due to him by Court of Claims.

The Clerk read the bill at length.

Mr. PAYNE. Mr. Chairman, I believe that bill ought to go over and I object to it.

The bill was laid aside without prejudice.

PETER FAIRLEY.

The next business on the Private Calendar was the bill (S. 4860) for the relief of Peter Fairley.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and is hereby, authorized and directed to pay and return to Peter Fairley the sum of \$450 paid by said Peter Fairley to the United States on a judgment against him on the bail bond of John C. Lott, who was afterwards captured and returned to the United States officers by said Peter Fairley. The said sum of \$450 is hereby appropriated for said payment and return of said sum to said Peter Fairley.

The bill was laid aside to be reported to the House with a favorable recommendation.

COLUMBIA HOSPITAL AND DR. A. E. BOOZER.

The next business on the Private Calendar was the bill (H. R. 7746) for the relief of Columbia Hospital and Dr. A. E. Boozer.

The bill was read, as follows:

Be it enacted, etc., That the sum of \$125 be, and the same is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, to pay the claim of the Columbia Hospital, of the city of Columbia, S. C., and Dr. A. E. Boozer, of said city, for nursing, board, and medical attention to Henry Hofar, a civilian teamster of the United States Army, in said city, for the period extending from November 7 to December 12, 1898, at the request of Brigadier-General Cole, of Third Brigade, Second Division, Second Army Corps, United States Army.

The bill was laid aside to be reported to the House with a favorable recommendation.

WILLIAM H. GOWDY.

The next business on the Private Calendar was the bill (H. R. 4629) for the relief of William H. Gowdy.

The bill was read, as follows:

Be it enacted, etc., That Alfred S. Andrew, Leander H. Gowdy, G. Morrison Taylor, C. C. Engleman, Jacob C. McCoy, Orlander F. Ralston, L. W. Ralston, J. R. McKinnie, Henry Chatillon, James M. Parker, F. B. Wortman, Alphonse P. Perrier, and M. A. Dickinson, sureties of William H. Gowdy, late postmaster at Cripple Creek, Colo., by bonds to the United States dated August 7, in the year of our Lord 1891; December 19, in the year of our Lord 1891; March 10, in the year of our Lord 1892, and July 8, in the year of our Lord 1892, be, and they are hereby, released from their liability arising from any deficiency that may have occurred in the accounts of said William H. Gowdy as postmaster during the term covered by the transcripts of accounts from the Treasury Department and from any judgment which may have been obtained thereon in favor of the United States; and the proper officer of the Treasury be, and he is hereby, authorized and empowered to direct the cancellation and satisfaction of any and all judgments that may have been rendered against the said William H. Gowdy and the sureties aforesaid upon the said bonds or any of them.

SEC. 2. That the Secretary of the Treasury of the United States be, and he is hereby, authorized and directed to pay to said William H. Gowdy, out of any unappropriated money in the United States Treasury, the sum of \$1,500, being the amount advanced and disbursed by him while acting as such postmaster and being absolutely necessary in performing his duties as such postmaster.

The amendments recommended by the committee were read, as follows:

In line 8, after the word "postmaster," insert the words "Fremont, Moreland, Fremont and;" and in the same line, after the word "Colorado," insert the word "respectively."

Mr. MANN. Mr. Chairman, I would like to ask the chairman of this committee if he would not be willing to strike out section 2?

Mr. MILLER. No; I would not.

Mr. MANN. One is to relieve from a bond, and there might be some equity in that, and the other is to pay money.

Mr. MILLER. If there is any equity in either part there is equity in both. This is a clear case where the postmaster spent his own money for the benefit of the United States, and it ought to be repaid.

Mr. MANN. I do not wish to take the time of this committee at this time. I can see some merit in this claim, but I can not see any in those I have objected to. I do not desire to object to this claim, but I think it ought to be considered.

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

J. J. L. PEEL.

The next business on the Private Calendar was the bill (H. R. 1808) for the relief of J. J. L. Peel.

Mr. MANN. Mr. Chairman, I ask that that bill go over.

The bill was laid aside without prejudice.

SOTIE R, MATHILDA R, AND HELEN R.

The next business on the Private Calendar was the bill (H. R. 17099) to authorize the refund of parts of fines imposed on the vessels *Sotie R, Mathilda R, and Helen R.*

The bill was read, as follows:

Be it enacted, etc., That there is hereby appropriated, for repayment to Schoonmaker & Rice, of New York, N. Y., owners of the barges

Sotie R. Mathilda R. and Helen R. part of the amount of fines aggregating \$230 paid by them to the collector of customs at New Haven, Conn., on or about September 19, 1905, for violation of the laws of the United States relating to the enrollment and licensing of vessels, the amount having been deposited by the collector to the credit of the Treasurer of the United States August 31, 1905, prior to his receipt of instructions from the Secretary of Commerce and Labor conditionally mitigating the fines to \$50, \$180.

The bill was laid aside to be reported to the House with a favorable recommendation.

DEPOSIT SAVINGS ASSOCIATION, MOBILE, ALA.

The next business on the Private Calendar was the bill (H. R. 4190) for the relief of the creditors of the Deposit Savings Association, of Mobile, Ala.

Mr. MANN. Mr. Chairman, I object to that.

The bill was ordered to be laid aside without prejudice.

PATRICK J. MADDEN.

The next business on the Private Calendar was the bill (H. R. 4271) for the relief of Patrick J. Madden.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Patrick J. Madden the sum of \$223.71, being the amount of money which was stolen from the Cambridgeport, Mass., station of the Boston post-office, and paid to the Post-Office Department by said Madden, under protest, on March 31, 1891, at which time said Madden was a clerk in said station, said robbery being through no fault or negligence on the part of said Madden.

The bill was ordered to be laid aside with a favorable recommendation.

ARTHUR A. UNDERWOOD.

The next business on the Private Calendar was the bill (S. 4350) for the relief of Arthur A. Underwood.

Mr. CRUMPACKER. Mr. Chairman, I ask that that bill be laid aside.

The bill was ordered to be laid aside without prejudice.

CHARLES D. SOUTHERLIN.

The next business on the Private Calendar was the bill (H. R. 9131) for the relief of the legal representatives of Charles D. Southerlin.

Mr. MANN. Mr. Chairman, I object to that bill.

The bill was ordered to be laid aside without prejudice.

W. A. McLEAN.

The next business on the Private Calendar was the bill (S. 4948) for the relief of W. A. McLean.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, required, out of any money in the Treasury not otherwise appropriated, to pay to W. A. McLean, of Wilkesboro, N. C., the sum of \$117.69, for money due him under a judgment of the United States court for the western district of North Carolina, rendered at November term, 1904, at Wilkesboro, N. C.

Mr. MANN. Mr. Chairman, I will make no objection to that bill, if they will correct it and make it say what they say it says. The bill says it is to pay a judgment of the United States court, when the judgment provides that that sum should be paid less the fees of the marshal.

Mr. MILLER. I have no objection to that amendment.

Mr. CRUMPACKER. The amount of the bill subtracts it, I think.

Mr. MANN. No; it does not.

Mr. MILLER. The amount is all right.

Mr. MANN. The gentleman will pardon me, but it is not. The amount named in the bill was the amount which was paid, but that included the costs of the marshal, and the judgment of the court was that the money to be returned, so far as it remained in the hands of the United States marshal, less his fees for collecting the same. I know of no reason why the Government should pay it. I am willing to have the bill recurred to, but at present I ask that it go over.

The bill was ordered to be laid aside without prejudice.

MILBURN WAGON COMPANY.

The next business on the Private Calendar was the bill (H. R. 5195) for the relief of the Milburn Wagon Company, of Toledo, Ohio.

Mr. MANN. Mr. Chairman, I ask that that bill go over.

Mr. SOUTHARD. Mr. Chairman, under the rule I desire to make a brief statement of the facts in this case.

Mr. PAYNE. The gentleman does not understand the rule. I object to that.

The CHAIRMAN. The Chair understands the unanimous consent agreed to was that the chairman of the committee could make a brief statement.

Mr. SOUTHARD. Then, I ask the chairman of the committee to yield to me in order that I may make a brief statement of the facts in the case.

Mr. MILLER. I would like very much to yield to the gentleman, but that will merely defeat a whole lot of these bills that ought to be paid.

Mr. PAYNE. Mr. Chairman, I call for the regular order.

The CHAIRMAN. The regular order is called for.

Mr. SOUTHARD. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. SOUTHARD. As I understand the rule it is this: That if the bill is objected to, after reading, it has to be laid aside without prejudice. I may say, however, that a brief statement of the claim will be allowed and if any further objection is made it is then to be laid aside, but to be laid aside at all events without prejudice.

The CHAIRMAN. As the Chair understands the rule, when a bill is read, a brief statement of the chairman of the committee is allowed.

Mr. SOUTHARD. Is the chairman of the committee the only person allowed to make a statement?

The CHAIRMAN. That was the unanimous consent that was agreed to.

Mr. SOUTHARD. Then I did not understand the rule that way.

The CHAIRMAN. That is the understanding of the Chair.

The bill was ordered to be laid aside without prejudice.

A. J. STINSON.

The next business on the Private Calendar was the bill (H. R. 4300) for the relief of A. J. Stinson.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury of the United States not otherwise appropriated, the sum of \$468 to A. J. Stinson, being the amount of permanent improvements, including fee and commission for entry, made on a homestead entered in Alabama under the laws of the United States, of which he was afterwards dispossessed and his entry canceled on account of a prior claim of entry granted by the United States.

The bill was ordered to be laid aside with a favorable recommendation.

JOHN STINSON.

The next business on the Private Calendar was the bill (H. R. 4299) for the relief of John Stinson.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury of the United States not otherwise appropriated, the sum of \$318 to John Stinson, being the amount of permanent improvements, including fee and commission for entry, made on a homestead entered in Alabama under the laws of the United States, of which he was afterwards dispossessed and his entry canceled on account of a prior claim of entry granted by the United States.

The bill was ordered to be laid aside with a favorable recommendation.

A. J., C. C., AND T. W. HODGES.

The next bill on the Calendar was the bill (H. R. 16166) for the relief of A. J., C. C., and T. W. Hodges.

Mr. MANN. Mr. Chairman, I make the point of order that the Committee on Claims have no jurisdiction to report this bill, it being a war claim. It is a claim that grows out of the civil war.

Mr. MILLER. I would ask the Chairman to have that laid aside.

Mr. MANN. I am perfectly willing to reserve the point of order.

The CHAIRMAN. Does the gentleman from Illinois insist upon his point of order?

Mr. MANN. If the Chair is prepared to dispose of it.

The CHAIRMAN. The Chair is prepared to dispose of it. It is evidently a war claim, and, the Committee on Claims having no jurisdiction, the bill will be referred back to the House.

Mr. SOUTHARD. Mr. Chairman, I want to call the attention of the Chairman to this rule:

The erroneous reference of a bill, if it remains uncorrected, in effect gives jurisdiction to the committee receiving it.

The CHAIRMAN. The rule just read by the gentleman from Ohio refers to an erroneous reference of a public bill, not a bill on the Private Calendar. The Clerk will report the next bill.

EDWIN S. HALL.

The next business on the Private Calendar was the bill (H. R. 1050) for the relief of Edwin S. Hall.

The Clerk read as follows:

Be it enacted, etc., That there be, and is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, the sum of \$2,028.58, and the Secretary of the Treasury is hereby authorized and directed to pay to Edwin S. Hall, of Sauk Rapids, Benton County, Minn., the said sum of \$2,028.58.

The bill was ordered to be laid aside with a favorable recommendation.

ABRAM JOHNSON.

The next business on the Private Calendar was the bill (S. 319) to reimburse Abram Johnson, formerly postmaster at Mount Pleasant, Utah.

Mr. MANN. I ask that that go over.

The bill was ordered to be laid aside without prejudice.

BENJAMIN F. PETTIT.

The next business on the Private Calendar was the bill (H. R. 9132) for the relief of the legal representatives of Benjamin F. Pettit.

Mr. MANN. I make the same objection to this bill. There are a large number of these bills just alike.

The bill was ordered to be laid aside without prejudice.

NEW YORK MARINE REPAIR COMPANY, OF BROOKLYN, N. Y.

The next business on the Private Calendar was the bill (S. 3581) providing for the payment to the New York Marine Repair Company, of Brooklyn, N. Y., of the cost of the repairs to the steamship *Lindesfarne*, necessitated by injuries received from being fouled by the U. S. Army transport *Crook* in May, 1900.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the New York Marine Repair Company, of Brooklyn, N. Y., the sum of \$850.13 in full for the cost of the repairs made by said company upon the steamship *Lindesfarne*, necessitated by the damages done to that vessel by the U. S. Army transport *Crook* in collision in May, 1900.

The bill was ordered to be laid aside with a favorable recommendation.

JOHN H. POTTER.

The next business on the Private Calendar was the bill (S. 3574) for the relief of John H. Potter.

Mr. MANN. I ask that that go over, Mr. Chairman.

The bill was ordered to be laid aside without prejudice.

HENRY O. BASSETT.

The next business on the Private Calendar was the bill (H. R. 3268) for the relief of Henry O. Bassett, heir of Henry Opeman Bassett, deceased.

Mr. MANN. Mr. Chairman, I make the same objection to that. They are on all fours with a number of others.

The bill was ordered to be laid aside without prejudice.

MARY V. SHAW.

The next business on the Private Calendar was the bill (H. R. 7548) for the relief of Mary V. Shaw.

Mr. PERKINS. Mr. Chairman, I ask that that bill go over.

The bill was ordered to be laid aside without prejudice.

C. W. STURTEVANT ET AL.

The next business on the Private Calendar was the bill (H. R. 639) for the relief of C. W. Sturtevant, Rolla Brown, Alice Brown, M. L. Kelly, Robert G. Duffy, Fread Gehring, T. H. Ross, and L. C. Partee.

Mr. SHACKLEFORD. Mr. Chairman, I believe I will ask that that be laid aside without prejudice.

The bill was ordered to be laid aside without prejudice.

JOHN M. BURKS.

The next business was the bill (S. 1344) for the relief of John M. Burks.

Mr. BONYNGE. Mr. Chairman, to save time, I ask that the bill be laid aside.

The CHAIRMAN. The gentleman from Colorado asks that the bill be laid aside, and it is so ordered.

GEORGE T. PETTENGILL.

The next business was the bill (S. 1933) for the relief of George T. Pettengill, lieutenant, United States Navy.

Mr. BONYNGE. Mr. Chairman, I ask that the bill be laid aside.

The CHAIRMAN. The gentleman from Colorado asks that the bill be laid aside, and it is so ordered.

F. S. BOWKER.

The next business was the House resolution 427 (in lieu of H. R. 15810) referring to Court of Claims the claim of F. S. Bowker, managing owner of the schooner *William H. Davenport*.

Mr. BONYNGE. Mr. Chairman, in order to save time, I ask that the resolution be laid aside without prejudice.

The CHAIRMAN. The gentleman from Colorado [Mr. BONYNGE] asks that the resolution be laid aside without prejudice, and it is so ordered.

NYE & SCHNEIDER COMPANY.

The next business was the bill (H. R. 10595) for the relief of Nye & Schneider Company.

Mr. BONYNGE. Mr. Chairman, I make the same objection to this bill.

The CHAIRMAN. The gentleman from Colorado [Mr. BONYNGE] makes objection, and the bill will be laid aside without prejudice.

MITSUI BUSSAN KAISHA.

The next business was the bill (H. R. 9289) for the relief of Mitsui Bussan Kaisha.

Mr. BONYNGE. Mr. Chairman, I make the same objection.

Mr. MILLER. Mr. Chairman, I desire to ask a question of the gentleman from Colorado. [Cries of "Regular order!"]

Mr. MILLER. My question is this—

The CHAIRMAN. The regular order is called for, and the bill will be laid aside without prejudice.

Mr. MILLER. Mr. Chairman, I want to ask the gentleman if it is his intention to object to the further consideration of any of these bills?

Mr. BONYNGE. I shall have to do so. If I had felt that the gentleman had examined the bill and desired to make any objection to the merits of the bill, I should not adopt this procedure.

Mr. MILLER. Does the gentleman intend to object to all other bills?

Mr. BONYNGE. I shall feel compelled to do so.

Mr. MILLER. Regular order, Mr. Chairman.

GEORGE T. LARKIN.

The next business was the bill (H. R. 12188) for the relief of George T. Larkin.

Mr. BONYNGE. Mr. Chairman, I make the same objection.

Mr. CRUMPACKER. I make the point of order, Mr. Chairman, that the objection is premature, because under the special order it is provided that all bills should be read. I insist that the bill should be read, and the gentleman can make his objection. [Cries of "Regular order!"]

The CHAIRMAN. The regular order is called for. Objection is made, and the bill will be laid aside without prejudice.

NAVY DEPARTMENT CLAIMS.

The next bill (H. R. 13605) to satisfy certain claims against the Government arising under the Navy Department.

Mr. BONYNGE. Mr. Chairman, I make the same objection.

The CHAIRMAN. The gentleman from Colorado objects, and the bill will be laid aside without prejudice.

JOSE RAMOS.

The next business was the bill (H. R. 19641) for the relief of Jose Ramos.

Mr. BONYNGE. Mr. Chairman, I make the same objection.

The CHAIRMAN. The gentleman from Colorado objects, and the bill will be laid aside without prejudice.

WILLIAM B. TODD.

The next business was the bill (S. 2138) for the relief of the estate of William B. Todd, deceased.

Mr. BONYNGE. Mr. Chairman, I make the same objection.

The CHAIRMAN. The gentleman from Colorado objects, and the bill will be laid aside without prejudice.

L. S. WATSON MANUFACTURING COMPANY.

The next business was the bill (S. 2964) for the relief of the L. S. Watson Manufacturing Company, of Leicester, Mass.

Mr. MCCARTHY. Mr. Chairman, I desire to object.

The CHAIRMAN. The gentleman from Nebraska objects, and the bill will be laid aside without prejudice.

HANS PETER GUTTORMSEN.

The next business was the House resolution 561 (in lieu of H. R. 13870) referring to Court of Claims the claim of Hans Peter Guttormsen.

Mr. COOPER of Wisconsin. I wish to say to my good friend, the objector, that this does not appropriate any money. [Cries of "Regular order!"]

The CHAIRMAN. The regular order is called for, and the bill will be laid aside without prejudice, and the Clerk will report the next bill.

LOUISE POWERS M'KEE.

The next business on the Private Calendar was the bill (S. 1218) for the relief of Louise Powers McKee, administratrix.

Mr. PAYNE. I ask that that bill be laid aside without prejudice.

Mr. RUCKER. In the absence of the gentleman from Colorado, I object.

The CHAIRMAN. The bill will be laid aside without prejudice.

ROBERT D. BENEDICT.

The next business on the Private Calendar was the bill (H. R. 1443) for the payment of Robert D. Benedict for services rendered.

Mr. McCARTHY. Mr. Chairman, I object.

The bill was ordered to be laid aside without prejudice.

MAJ. SEYMOUR HOWELL.

The next business on the Private Calendar was the bill (S. 5675) for the relief of Maj. Seymour Howell, United States Army, retired.

Mr. SHACKLEFORD. I ask that the bill be passed without prejudice.

The bill was ordered to be laid aside without prejudice.

JOSEPH SIERRA.

The next business on the Private Calendar was the bill (S. 350) for the relief of the heirs of Joseph Sierra, deceased.

The bill was read, as follows:

A bill (S. 350) for the relief of the heirs of Joseph Sierra, deceased.
Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to J. W. Hargis, Mary Hargis, Mrs. Belle McCounoughby, Mrs. Kate Anderson, Modeste Hargis, Mrs. Virginia Craig, Petronilla Leonard, Steven Leonard, and Joseph Sierra, heirs of Joseph Sierra, deceased, late collector of customs at Pensacola, Fla., the sum of \$3,679.19, and the said sum is hereby appropriated for said purpose out of any money in the Treasury not otherwise appropriated.

The bill was ordered to be laid aside with a favorable recommendation.

GERMAN M. ROUSE.

The next business on the Private Calendar was the bill (H. R. 6430) authorizing the Secretary of the Treasury to pay to German M. Rouse informer's fees for certain opium seizures.

Mr. MADDEN. Mr. Chairman, I object.

The bill was ordered to be laid aside without prejudice.

CHARLES E. DANNER & CO.

The next business on the Private Calendar was the bill (H. R. 8685) for the relief of Charles E. Danner & Co.

Mr. MADDEN. I object, Mr. Chairman.

The bill was ordered to be laid aside without prejudice.

JAMES M. M'GEE.

The next business on the Private Calendar was the bill (S. 503) to reimburse James M. McGee for expenses incurred in the burial of Mary J. De Lange.

The bill was read, as follows:

A bill (S. 503) to reimburse James M. McGee for expenses incurred in the burial of Mary J. De Lange.

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay James M. McGee the sum of \$76.75, for funeral expenses incurred in the burial of Mary J. De Lange, who was pensioned on certificate No. 290818 as the widow of Augustus De Lange, late captain Company C, One hundred and forty-fourth Illinois Volunteers.

Mr. RUCKER. Mr. Chairman, I object to that bill.

Mr. BUTLER of Pennsylvania and others. Give her funeral expenses.

Mr. RUCKER. I withdraw my objection.

The CHAIRMAN. The objection is withdrawn.

The bill was laid aside with a favorable recommendation.

REFUND TO TERRITORY OF HAWAII.

The next business on the Private Calendar was the bill (H. R. 10103) to refund to the Territory of Hawaii the amount expended in maintaining light-house service on its coasts from the time of the organization of the Territory until said light-house service was taken over by the Federal Government.

Mr. GAINES of Tennessee. Mr. Chairman, I would like to have the gentleman explain that bill.

Mr. MACON. I object.

The CHAIRMAN. Objection is made.

Mr. GAINES of Tennessee. I did not object.

Mr. MACON. I did make objection.

Mr. GAINES of Tennessee. I think we had better lay aside our personal prejudices instead of laying aside bills. I have no bills, but I am trying to help everybody. [Cries of "Regular order!"]

Mr. SHACKLEFORD. Mr. Chairman, I understand that I stand recorded as objecting to the bill S. 5675. I did not object to that, and if I am so recorded I am improperly recorded.

Mr. RUCKER. Regular order!

Mr. SHACKLEFORD. If I am so recorded, I desire to withdraw the objection.

[Cries of "Regular order!"]

Mr. GAINES of Tennessee. Now that the gentleman has withdrawn that objection to the bill, I want the gentleman to explain it.

Mr. MILLER. Regular order!

Mr. GAINES of Tennessee. It is regular order.

[Cries of "Regular order!"]

The CHAIRMAN. The committee will be in order. The gentleman from Missouri has just stated that he did not make objection to the Senate bill referred to—S. 5675. The Chair has kept no record of who has made objection to the bills, and does not know who did so.

Mr. SNAPP. I renew the objection.

Mr. MADDEN. I object to the consideration of this bill.

The bill was laid aside without prejudice.

OSCAR FULGHAM.

The next business on the Private Calendar was the bill (H. R. 19493) to reimburse Oscar Fulgham, ex-sheriff of Madison County, Ala., for judgment and costs rendered against him when acting in the service of the United States.

Mr. MADDEN. I object, Mr. Chairman.

Mr. RICHARDSON of Alabama. Mr. Chairman, I would like very much to explain that bill just for a moment.

The CHAIRMAN. It can only be done by unanimous consent.

Mr. RICHARDSON of Alabama. I ask that.

The CHAIRMAN. The gentleman from Alabama asks unanimous consent that he may be permitted to make an explanation of the bill just read.

Mr. MILLER. I object.

A. L. FLACK & CO.

The next business on the Private Calendar was the bill (H. R. 5196) to refund to A. L. Flack & Co., of Tiffin, Ohio, money paid for internal-revenue stamps lost in the mails.

Mr. SNAPP. I object, Mr. Chairman.

Mr. GARRETT. Mr. Chairman—

The CHAIRMAN. For what purpose does the gentleman from Tennessee rise?

Mr. GARRETT. It would seem that the expectation of further progress in this matter, when we know in advance that every bill is to be objected to, is idle; and I ask unanimous consent that every bill may be considered as objected to that remains on the Calendar, and that we return and take up the bills in their regular order. [Loud applause.]

The CHAIRMAN. The gentleman from Tennessee asks unanimous consent that the remaining bills on the Calendar be considered as objected to, and that the remaining bills upon the Calendar be taken up in regular order.

Mr. BONYNGE. Mr. Chairman, I desire to know whether that is the request. I think the Chairman made a mistake. It is not that the remaining bills be taken up in order, but we are to go back to the beginning of the Calendar and take them up.

The CHAIRMAN. They are to be taken up in the regular order.

Mr. GARRETT. That was the request.

The CHAIRMAN. Is there objection?

Mr. SNAPP. What is the proposition?

The CHAIRMAN. Unanimous consent is asked by the gentleman from Tennessee that all bills not reached on the Calendar be considered as objected to, and that the bills be taken up in their regular order, and the bills that have not been objected to would still remain to be read.

Mr. SMITH of Illinois. I object.

Mr. BUTLER of Pennsylvania. I move that we now recur to the beginning of the Calendar, if it is in order to make that motion.

Mr. PAYNE. That motion is not in order.

Mr. BUTLER of Pennsylvania. If it is in order I desire to make it, and if not I will not.

The CHAIRMAN (Mr. CAMPBELL of Kansas). Will the gentleman from New York state his point of order against the motion of the gentleman from Pennsylvania?

Mr. PAYNE. That the committee having made an order to go through the Calendar and find out the unobjected bills, and having proceeded in part execution of that order, it is not now in order for a motion to go back to the beginning of the Calendar except by unanimous consent.

The CHAIRMAN. The Chair is of the opinion that the committee has power to make and unmake rules by which it shall be governed during its sessions as to the order of its business.

Mr. PAYNE. The committee has made the rule by unanimous consent, and having made it by unanimous consent, the motion is not now in order.

The CHAIRMAN. The Chair is of opinion that a committee that has power to make rules has power to unmake them. The Chair will read section 4, page 284, of the Manual.

In committees of the Whole House business on their Calendars may be taken up in regular order, or in such order as the committee may

determine, unless the bill to be considered was to be determined by the House at the time of going into committee, but bills for raising revenue, general appropriation bills, and bills for the improvement of rivers and harbors shall have precedence.

It appears from the rule that the Committee has control of its procedure.

Mr. KEIFER. Mr. Chairman, this rule was made by unanimous consent, and now it can not be changed without unanimous consent.

The CHAIRMAN. Does the gentleman from Ohio contend that a rule adopted by unanimous consent has any more force than a rule adopted by the majority?

Mr. KEIFER. After it has been partly executed, yes; it has been so held in former years.

The CHAIRMAN. The Chair is of opinion that the motion of the gentleman from Pennsylvania is now in order.

Mr. MACON. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. MACON. The committee having adopted the rule that nothing will be in order during the proceeding we are now engaged in except that the chairman of the committee shall have a right to make a brief statement of the bills as they are presented, what right has the gentleman from Pennsylvania to make a motion that we now go back to the beginning of the Calendar?

The CHAIRMAN. Under the rule that the Chair has just read the Chair is of opinion that it is very plain that the committee has power to alter or amend any rule that it has adopted for its control under that rule.

Mr. PAYNE. I do not desire to take the time to discuss the point of order, and will withdraw it.

Mr. BUTLER of Pennsylvania. I ask for the regular order.

The CHAIRMAN. The gentleman from Pennsylvania moves that the committee now recur to the beginning of the Private Calendar for the purpose of considering bills under the standing rules of the House.

Mr. SHACKLEFORD. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. SHACKLEFORD. Is that motion subject to discussion?

The CHAIRMAN. It is not.

Mr. GAINES of Tennessee. Mr. Chairman, I doubt very much whether that motion is in order. I make the point of order that the motion is not in order now. The order of the House is to proceed in a certain way.

The CHAIRMAN. The Chair has overruled that point of order heretofore. The question now is on the motion of the gentleman from Pennsylvania, that the committee proceed with the Private Calendar in order for to-day.

The question was taken; and the motion was agreed to.

The CHAIRMAN. The Clerk will report the first bill in order.

BECKER BREWING AND MALTING COMPANY.

The first business on the Calendar was the bill (S. 1231) to reimburse the Becker Brewing and Malting Company, of Ogden, Utah, for loss resulting from robbery of the United States mails. The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, directed to pay to the Becker Brewing and Malting Company, out of any money in the United States Treasury not otherwise appropriated, the sum of \$92.50, for loss incurred through the transmission in the United States mails of certain revenue stamps.

The bill was ordered to be laid aside with a favorable recommendation.

L. BIERTEMPFEL.

The next business was the bill (H. R. 12840) for the relief of L. Biertempfel.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to reimburse L. Biertempfel, a German subject, for loss sustained by him through the action of Louis Stern, United States commercial agent at Bamberg, Germany, in collecting the sum of \$871.08 belonging to Biertempfel and converting it to his own use, and said sum is hereby appropriated for this purpose out of any money in the Treasury not otherwise appropriated.

Mr. CRUMPACKER and Mr. MANN rose.

The CHAIRMAN. The gentleman from Kansas [Mr. MILLER] is entitled to the floor. To whom does he yield.

Mr. MILLER. I yield to the gentleman from Indiana [Mr. CRUMPACKER].

Mr. CRUMPACKER. Mr. Chairman, this bill is quite an important one, because it involves a very important principle, which is the responsibility of the Federal Government to private individuals for the delinquencies and peccadillos of public officers. If a citizen advances money, or if he has transactions of a quasi public character with a ministerial officer of the Government, and that officer, in the course of the transaction,

appropriates money coming to him to his own use which he ought to have applied to the use of the citizen, this bill establishes the principle that the Government shall be responsible. If the Government is called upon to pay claims of this character, it ought to protect itself by requiring adequate official bonds from its consular agents and all other officers for whom it stands sponsor under this principle. Here was a consular officer who, in the course of his official duty, came into possession of some seven or eight hundred dollars belonging to a subject of Germany, and the report states that the officer appropriated the money to his own use and absconded. I do not understand that in accordance with the principles of law or according to usage the Government can be held responsible for the thievery of its consular agents. The only reason advanced in the report why the bill ought to pass is the fact that the claimant is a subject of the Kaiser, that he is a German subject. If he were an American citizen there would be absolutely no claim of right, as it seems to me, that the Government ought to make good to private citizens for the stealings of public officers. I desire to make that statement to the committee in order that they may know of the principle involved in this bill.

The CHAIRMAN. The question is on laying the bill aside—

Mr. MANN. Mr. Chairman, I desire the floor.

Mr. MILLER. In the gentleman's own right?

Mr. MANN. Yes.

The CHAIRMAN. The gentleman from Illinois.

Mr. MANN. Mr. Chairman, this is one of the claims which I objected to before. If the claim is good, the amount appropriated is insufficient. If the claim is bad, then no portion of the money should be appropriated.

A consul of the United States located at Bamberg, Bavaria, defrauded the people of that locality, said in large number of instances to be poor farmers, out of more than \$4,000. One of the claimants, probably having the largest claim, presented his case through his attorney, as he had threatened to do before, to the department of state in Germany, and it was transmitted to the Department of State of the United States.

The committee recommends payment of that one claim in favor of this one farmer of eight hundred and odd dollars. The other poor farmers, who had been defrauded of their money by the United States consul, but not in sufficient sums to enable them to employ attorneys, are not proposed to be reimbursed. If it is the duty of the United States to stand for the defraudments and thievery of its consuls, then it ought to pay all of the people who are defrauded by this consul, and not merely pay this one. Let us see what the recommendation of the consul's successor was:

Unless some unheard-of larger amount should come up yet I venture to say that his debts, incurred by misleading people about his position, amount to within \$4,000. This is not exactly a very large amount, but it was stolen out of a lot of poor people's pockets in such a villainous, mean way that it is a big enough amount to cause a great deal of unpleasant comment in my district. For the sake of the good name of our Government, for the sake of maintaining the honor of the consular service in general and the consular office I have the honor to hold in particular, I dare to make the suggestion to you that these amounts should be taken—

Out of the Treasury of the United States? No—

out of Stern's bond. In making this suggestion I will say that I have not, with one syllable, allowed anyone to hope that the Government will see to it that this infamous outrage is righted; on the contrary, I have made them all understand that they have no claim against the Government, but it seems to me, notwithstanding all existing rules about such cases, that those who eight years ago have ventured to go on a man's bond who has never been anything but a liar and a fraud should be made to pay for this error, and not those poor people who had all reasons to think that our Government would guarantee these doings of its consul.

I gave you proper and due notice of Stern's death by cable, so as to guard the Government against loss and against releasing the bond. I hope the Government will decide to utilize this bond to pay for the sins of the man in whose favor it was issued.

I don't undertake to say whether the Government could collect anything out of the bond on account of these sums or not, but if the Government is under any liability, if it is the intention of the Government to maintain the integrity of the consular service, if it is the purpose of the Government to pay one of the persons who was defrauded by this consul, then the Government ought to pay the little fellow as well as the big fellow; and if \$800 should be paid to one, then all of the claims ought to be paid to the others. I do not understand the theory upon which our Government proceeds when an attorney in a foreign country threatens it, as was done in this case by the attorney for this man, and we thereupon yield to the threats and pay that person and refuse to pay the other persons in similar circumstances where the amounts involved are small. Is it the duty of our Government to pay only the large claims, assuming that \$800 is large, comparing it with a small sum of money? If anything is to be paid by the Government in this case, then the Govern-

ment ought to pay to all of the people defrauded the amounts which they loaned or gave to this man.

The CHAIRMAN. The question is, Shall the bill be laid aside with a favorable recommendation?

The question was taken, and the bill was ordered to be laid aside with a favorable recommendation.

FIRE AT ROCK ISLAND ARSENAL.

The next business on the Calendar was the bill (H. R. 11676) for the relief of persons who sustained property damage caused by fire at the Rock Island Arsenal.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the following sums, namely: O. A. Artz, \$20; Benjamin Bragdon, \$2.85; W. H. Bragdon, \$3; U. J. Beliveau, \$12; Henry Brockmann, \$23; W. B. Barker, \$15; S. D. Brownell, \$14.20; Carl Brown, \$4.75; W. S. Brooks, \$3.50; H. P. Bertelsen, \$20; Hugh Conwell, \$7; E. W. Cook, \$7.10; George Cottrell, \$16; James Cox, \$35; Ernst Drott, \$2; James Dougherty, \$10; George Duggan, \$40; W. H. Deters, \$37; K. H. Dauber, \$13.90; C. J. Danielson, \$21.50; Charles Erickson, \$20.75; F. A. Felske, \$14.25; George D. Gillette, \$40; Richard Hermann, \$5; Louis Heuer, \$15; W. S. Hill, \$40; T. R. Herkner, \$2.50; Frank Helder, \$35; Gust Hirstein, \$35; M. N. Hart, \$5; F. W. Hoffmann, \$8.75; J. C. Jacobson, \$13.50; Harry Jager, \$30; C. P. Jensen, \$13.25; William Kennedy, \$19; W. F. Kubik, \$5.45; Frank Knox, \$20.50; L. A. Kindy, \$2.50; C. W. Krueger, \$14.50; William Langenhagen, \$20; Rudy Lichal, \$40; George W. Lee, \$10; Robert Q. Lehman, \$2; F. W. Miller, \$5.30; Joseph Mrugalski, \$5.25; Henry Miller, \$19.85; C. K. Merriman, \$30; Albert Moebius, \$25; George Nelson, \$26; Charles Nahrang, \$35; A. B. Othmer, \$5; John Olson, \$23.75; F. M. Poole, \$2.95; R. A. Peters, \$1.90; William Peterson, \$2; F. G. Prucha, \$32.50; W. J. Reese, \$18.25; L. E. Rees, \$2.50; Charles Seeman, 60 cents; W. J. Singer, \$12; Max Sugar, \$8.15; C. L. Speckhart, \$4.30; H. von Seggern, \$8.75; George Schwenker, \$9.90; J. E. Sullivan, \$27.50; Louis Schwab, \$10; J. F. Schmidt, \$17.50; O. W. Schwenker, \$8.25; H. W. Trafford, \$25; C. H. Talbot, \$22; B. E. Talbot, \$17; Harry Thompson, \$6.25; John Vrtyna, \$6.25; M. J. Vallquette, \$14.50; G. H. Welch, \$13.95; E. A. Wood, \$8.75; O. J. Wedertz, \$27.25; Basil Williamson, \$18; F. C. Williams, \$7.75; Almon Widen, \$19; Charles White, \$19.30; W. A. Young, \$1.50; for payment of damage sustained by employees by reason of fire in building known as Shop I, at the Rock Island Arsenal, Rock Island, Ill., on December 6, 1904.

Mr. MILLER. Mr. Chairman, I move that the bill be laid aside with a favorable recommendation.

Mr. MANN. Mr. Chairman, I suppose that in the present condition of the temper of the committee it makes but little difference as to the character of the claim or the reasons for it. Gentlemen who have introduced bills which have been reported favorably and which have not yet been reached upon the Calendar are so anxious for the consideration and passage of their bills that they are unwilling to raise a question about bills which precede them, and gentlemen who have bills passed are unwilling in graciousness to the balance of the committee to raise any question about bills which succeed them.

Mr. MILLER. Mr. Chairman, I raise the point of order that the gentleman is not discussing the merits of the bill before the committee.

Mr. MANN. Well, Mr. Chairman, I shall confine myself to the merits of the bill.

The CHAIRMAN. The point of order is well taken.

Mr. MANN. Mr. Chairman, I objected to this bill when it was up before. I made no objection to this bill or any other bill without a careful examination of the bill and the report. This bill proposes to pay to a large number of Government employees losses incurred by them in a fire at the Rock Island Arsenal. There have been times when the Government has reimbursed Government employees for losses incurred by fire. In this case the fire was caused by the negligence of the Government employees. The report says that the origin of the fire was unknown.

Mr. DAWSON. If that is so, how does the gentleman know that it was incurred by the negligence of the employees?

Mr. MANN. If the gentleman will pardon me, even though the report does say so, everything in the report is not to be considered as absolute facts. The report says that the cause of the fire was unknown, but the report also goes on to say that the people in the Rock Island Arsenal were engaged in a most dangerous occupation, in a place unsuited for the work, and that the men had been cautioned to be extremely careful in reference to the work.

Mr. DAWSON. May I ask the gentleman a question?

Mr. MANN. I am perfectly willing to yield to the gentleman if he desires, though I do not desire to consume any unnecessary time.

Mr. DAWSON. I would like to ask the gentleman if that fact should be charged up to the workmen who were engaged in the work?

Mr. MANN. The fact is that the fire must have occurred in this case through the negligence of some of the workmen themselves. There is no other possible cause for the fire.

Mr. GAINES of Tennessee. Is there any proof here showing

that these particular employees, these claimants, were the persons who were guilty of negligence that caused the fire?

Mr. MANN. These employees were the ones who had their tools where the fire occurred. They were working where the fire occurred.

Mr. GAINES of Tennessee. That is a pretty strong presumption if the gentleman charges them with negligence.

Mr. MANN. I do not say they were all guilty of negligence. I do not intend to. I don't know anything about whose negligence it was, but I do know that they were working in a dangerous occupation in a place in a building where they knew that unless the utmost diligence was observed a fire was liable to break out.

Mr. PAYNE. May I ask the gentleman a question?

Mr. MANN. Certainly.

Mr. PAYNE. Suppose it was because of negligence on the part of anybody that fire was caused, does the gentleman think the United States ought to be the insurer of people in its employ against their property being destroyed by fire?

Mr. MANN. I do not. I was about to come to that, Mr. Chairman. In the first place, I think the report shows that the fire occurred there through the negligence of people who are now seeking reimbursement out of the Treasury of the United States. In the second place, a workman who goes into a shop of the Government of the United States with his tools can insure them if he desires. There is no law to prevent it. He has the opportunity to obtain insurance if he applies for it just as anyone else, and if he desires to have his tools protected against fire he should insure the tools in a proper way. In this case nobody knows what the tools were worth, there is no way of ascertaining what the tools were worth except the mere statement of the men who are asking payment from the Government. If they desire to have their tools protected from fire they should have taken out insurance, and it is a very dangerous precedent for the United States to say that it will pay every employee of the Government wherever loss is caused by fire, when their property is destroyed by fire. Suppose the Capitol, suppose any building in Washington, is burned and some one has some property belonging to himself. It is an unheard-of proposition that the Government of the United States is to be asked to reimburse them. Those people are as much the insurer of their property as the Government is the insurer of its property. The Government loses its property; these people lose their property. They were upon even terms for the care and conduct of the building. The Government had to rely upon these people for the Government's protection, and then when they or some of them have failed in proper diligence and a fire has occurred they want the Government to stand all the expense. What would be thought if the Government should turn around and ask these gentlemen to reimburse the Government for its loss? It would be ridiculous.

The CHAIRMAN. Does the gentleman from Illinois yield to the gentleman from Ohio?

Mr. MANN. Certainly.

Mr. SOUTHARD. Does the gentleman contend if the Government should neglect to provide the ordinary protection against fire that it ought not to be held responsible to somebody who loses by reason of that fire?

Mr. MANN. Oh, the Government makes it a rule in all of these cases not to reimburse people who lose through the negligence of the Government. If it is the policy of Congress to pay such claims, why do not we provide by general law for payment caused by negligence of the Government in the navy-yard here and in establishments throughout the country conducted by the Government?

Mr. SOUTHARD. Does the gentleman hold that the Government ought not to be held responsible in a case where an individual or corporation would be held responsible?

Mr. MANN. Certainly I say that. Does the gentleman claim that the Government ought to be liable as an individual or corporation is liable, and if he does, has he introduced a bill to make the Government liable? If he claims so and has not introduced a bill, he has not given that diligent attention to his duty which he usually gives.

Mr. SOUTHARD. I will say in answer to that it has been the policy of the Committee on Claims, since I have known anything about it, to hold the Government responsible where an individual would be responsible.

[Cries of "Vote!" "Vote!"]

The CHAIRMAN. The question is on laying the bill aside with a favorable recommendation.

Mr. GARRETT. Will the gentleman yield to me two minutes?

Mr. MILLER. I would like to have a vote taken as soon as possible, but I will yield to the gentleman.

Mr. GARRETT. Proceeding upon the reasoning which the

gentleman from Illinois has just laid down, I opposed this bill in committee, and shall vote against it here. I believe it is a very dangerous precedent.

Mr. DAWSON. Mr. Chairman—

Mr. MILLER. I yield to the gentleman from Iowa.

Mr. DAWSON. Mr. Chairman, this bill came before this House in an unusual manner. In the first place, it does not come here simply as a claim. It was first submitted to this House as an estimate from the Treasury Department of the United States, having first been approved by the War Department, every one of these claims having been made under oath and investigated by a competent board of Army officers. This estimate of an appropriation to pay this claim was presented to the House in the regular way. With regard to the employment of these men, they were under orders and were assigned to a dangerous undertaking in the Rock Island Arsenal, and while in the performance of that duty the fire occurred and these things were destroyed. The aggregate amount is only \$1,269, and it is to be paid to eighty-two workmen who were employed at that arsenal. They are all small amounts, none of them for more than \$40, and thirty-two of them are for sums in less than \$10. There is no claim attorney interested in any way in these claims.

As precedents for favorable action, I cite that in the second session of the Fifty-eighth Congress a bill was enacted into law paying Charles Blake, a paymaster's clerk, United States Navy, \$1,015 for articles destroyed by fire at the time of the burning of the Windsor House, at Yokohama, Japan. In the first session of the present Congress a bill passed this House (H. R. 9528) to reimburse Fred Dickson for loss of his tools through a fire which destroyed the engine house at Fort Duchesne, Utah, on September 19, 1902. [Cries of "Vote!" "Vote!"]

The CHAIRMAN. The question is on laying the bill aside with a favorable recommendation.

The bill was ordered to be laid aside with a favorable recommendation.

W. S. HAMMAKER.

The next business was the bill (H. R. 13418) for the relief of W. S. Hammaker.

The Clerk reported the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to W. S. Hammaker, late postmaster of the city of Findlay, Ohio, out of any money in the Treasury not otherwise appropriated, the sum of \$2,251.28, to reimburse said W. S. Hammaker for moneys by him actually expended and paid for necessary clerical assistance in carrying on the operation of the post-office at said city during his official term as postmaster, from 1885 to 1889, in excess of the amount provided and allowed by the Post-Office Department for said purpose during said term.

Mr. MILLER. Mr. Chairman, I move that the bill be laid aside with a favorable recommendation.

Mr. SMITH of Illinois. Mr. Chairman, I want to make a point of order against the consideration of the present bill at this time.

Mr. MILLER. Mr. Chairman, I yield to the gentleman from Illinois [Mr. SMITH].

The CHAIRMAN. Will the gentleman from Illinois [Mr. SMITH] state his point of order?

Mr. SMITH of Illinois. I know nothing about this bill, but I make the point of order against the consideration of this or any other bill at the beginning of this Calendar or up to the time we stopped the consideration of the Calendar, for the following reasons: I understand that before going into the consideration of the Private Calendar this afternoon it was agreed, possibly by the House—

Mr. BUTLER of Pennsylvania. I make the point of order that the Chair has already ruled.

The CHAIRMAN. The Chair is ready to rule.

Mr. SMITH of Illinois. I would like to state my reasons.

The CHAIRMAN. The Chair has passed upon that point of order heretofore.

Mr. SMITH of Illinois. I think I have the privilege under the rules of this House when a point of order is made to state my reasons for making the point.

The CHAIRMAN. The Chair recognizes that right of the gentleman, but the Chair has passed upon the point of order made by the gentleman from Illinois.

Mr. SMITH of Illinois. For the consideration of this bill? I make it to this bill.

Mr. BUTLER of Pennsylvania. Regular order, Mr. Chairman.

Mr. PAYNE. I want to suggest to the Chair—

The CHAIRMAN. The Chair is ready to rule upon the point of order applying to the bill now under consideration.

Mr. SMITH of Illinois. Does the Chair deny me the right of stating my reasons?

The CHAIRMAN. The gentleman from Illinois well knows

that the amount of argument that the Chair desires to hear upon a point of order is within the discretion of the Chair, and the Chair is now ready to rule upon the point of order.

Mr. SMITH of Illinois. If the Chair is ready to rule without an argument, of course "the gentleman from Illinois" can not prevent the Chair from doing so.

The CHAIRMAN. The point of order is overruled, and, without objection, the bill will be laid aside with a favorable recommendation.

Mr. MANN. Mr. Chairman, this is a bill that has no merit as to the major part of the claim. The bill proposes to pay \$2,251 and some odd cents to a man who was postmaster in Ohio during the first Cleveland Administration. It is barely possible that a new Democratic Administration, endeavoring to cut down the expenses of the Government, declined to make a sufficient allowance for clerk hire in that post-office. A Republican Congress is now asked, after this lapse of time, to appropriate the money for a Democratic officeholder which the Democratic Administration refused to provide for.

Mr. FITZGERALD. Is the gentleman sure that was a Democratic official?

Mr. MANN. Well, Mr. Chairman, in the midst of the demand for Democratic plunder at that time this gentleman was appointed by President Cleveland as postmaster at this town. I do not think it admits of any question of doubt as to his policy, but, whatever that may be, they have now asked the Post-Office Department for its judgment. Mind you, this is not one of the cases where a little town sprung up rapidly, as it did at Cripple Creek or some other claims that are on the Calendar here. This is a case of a town where a request was made for additional salary and for additional clerk hire. It was passed upon by the Department upon its merits. His salary was increased to \$2,400 a year, and clerk-hire allowance was made of \$1,372.22 a year. It seems now that the average clerk-hire salary allowance at that time would be a little bit greater, and the Department, which has given full consideration to this case in the report to the Committee on Claims on the subject, recommends the allowance of \$650.55, while the committee, in that exuberant desire to grant what anybody asks, brings in a bill for more than \$2,200. Is there to be no attention paid to the facts in these cases? Is the mere fact that a Member of Congress is working for a claim, and polls probably each member of the committee before it meets, a sufficient reason for taking this money out of the Treasury? The committee recommends \$2,250 be paid now.

Mr. WALDO. I suggest a discussion of the merits or demerits of the committee is not a discussion of this claim, and the gentleman ought to be called to order. He has no business to make such a statement.

Mr. MANN. Oh, well—

Mr. WALDO. He intimates that the committee desires to throw away the money of the United States on an improper claim. He has no business to make any such statement here. [Cries of "Right!"] I want to give notice now, if this thing is to be continued by members of the committee, I desire to tender my resignation, and I will not act upon it any more if such talk as that is allowed. [Cries of "Vote!"]

Mr. MANN. Mr. Chairman, I am not to be led into making a statement through any hasty matter of temper. No word that the gentleman can say to me will lead me to say anything that reflects upon the Committee on Claims or the members of the Committee on Claims. The gentleman can not through taunts lead me to say anything hasty upon that subject. I have great consideration both for the gentleman himself and for the other members of the Committee on Claims, and for the committee as a whole; but I have not yet reached the point where I consider any committee of the House when it presents a bill before the House is to be considered as being without possibility of an error, and if any gentleman is in that condition to refuse to permit a report to be criticised, because he is too touchy, he had better resign from the committee.

Now, Mr. Chairman, I address myself to the merits of the case. Here is a report from the Department suggesting that possibly—that possibly—there should be allowed the sum of \$650. I defy the gentlemen on the committee to give any good reason for bringing a bill here appropriating \$2,250. [Cries of "Vote!"]

The CHAIRMAN. The question is on laying the bill aside with a favorable recommendation.

Mr. MILLER. In justice to the committee I want to say just a word— [Cries of "Vote!"]

The CHAIRMAN. The committee will be in order.

Mr. MILLER. In justice to the committee I desire to just state this: That claimant was postmaster of the town of Findlay, Ohio, at the time of the discovery of oil and gas in that

community. Immediately the population of that town of Findlay increased more than three times, and the business of the post-office increased within less than a year from \$7,147.46 to \$19,269.40.

Mr. STAFFORD. Will the gentleman permit an inquiry?

Mr. MILLER (continuing). And notwithstanding this enormous increase this postmaster had to pay money out of his own pocket for clerk hire, paying \$3,862.32, and there is now due him a balance of \$2,251.28 that he paid out of his own pocket. We ask that he shall be paid back this sum, and we do not care whether the man was a Democrat or a Republican. [Cries of "Vote!"]

The CHAIRMAN. The question is on laying the bill aside with a favorable recommendation.

Mr. STAFFORD. Will the gentleman permit a question?

Mr. MILLER. Certainly.

Mr. STAFFORD. By reason of the increase of receipts at this office, was not the postmaster allowed additional clerk hire during this time under the regulation of the Department? And does not Perry S. Heath, First Assistant Postmaster-General, in a letter addressed to your committee dated Washington, January 29, 1900, say: "As the Department did not have then, and does not have now, authority to make allowances for the local work of a third-class post-office, Mr. Hammaker's claim for clerk hire prior to July 1, 1887, should not be considered?"

Mr. MILLER. Yes; and they did not make any appropriation.

Mr. STAFFORD. And further than that, does it not show that the clerical allowance which was \$540 up to July 1, 1887, was increased thereafter, as your own report shows?

Mr. MILLER. And the Department in addition to that made an allowance, in this same report, of \$650, the very same report the gentleman refers to.

Mr. STAFFORD. And if this should be done in this case, there are thousands of offices where there should be a corresponding allowance.

The question was taken; and the bill was ordered to be laid aside with a favorable recommendation.

DAVID C. HAYNES.

The next business was the bill (H. R. 9298) for the relief of the estate of David C. Haynes, deceased.

The bill was read, as follows:

Be it enacted, etc., That the sum of \$1,349.99 be, and the same is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, to pay to the legal representatives of David C. Haynes, a deceased contractor, for services rendered by the said Haynes in transporting the United States mails in the State of Texas prior and up to the 1st day of June, 1861.

The amendments recommended by the Committee on Claims were read, as follows:

In lines 3 and 4 of the bill strike out the words "three hundred and forty-nine dollars and ninety-nine" and insert in lieu thereof the words "and twelve dollars and fifty."

In line 7 therein strike out the words "legal representatives" and insert in lieu thereof the words "heirs at law."

The CHAIRMAN. The question is on agreeing to the amendments.

Mr. MANN. Mr. Chairman—

The CHAIRMAN. As many as favor agreeing to the amendments will say "aye;" those opposed "no." The ayes appear to have it—the ayes have it, and the amendments are agreed to.

Mr. MANN. Mr. Chairman—

Mr. PAYNE. I make the point of order, Mr. Chairman, that the gentleman from Illinois rose in time and addressed the Chair before the vote was taken.

The CHAIRMAN. The Chair intended to recognize the gentleman from Illinois and does now recognize him. The gentleman from Illinois.

Mr. MANN. Mr. Chairman, this is one of the bills which I have had some doubt about. There are a number of them upon this Calendar which are for the payment of claims of star-route contractors for services rendered practically after the civil war commenced; after various of the States had seceded.

Mr. MILLER. If the gentleman from Illinois will allow me, not after the war commenced.

Mr. MANN. If the gentleman from Kansas will allow me—

Mr. MILLER. I will allow the gentleman, if he will state the facts, but I will not allow him to make misstatements before this committee.

Mr. MANN. The gentleman from Illinois is not engaged in making misstatements.

Mr. MILLER. He does make a misstatement if he says this was after the war commenced, and he knows it.

The CHAIRMAN. Both gentlemen must be in order.

Mr. MANN. If the gentleman refers to the formal opening of the war, that may be a matter of question; but the real war

between the States commenced before the 1st day of June, 1861; and much as I should delight to yield to the gentleman for instruction, I do not ask him for his knowledge of history on that point.

Mr. BEALL of Texas. This bill is for services rendered before the 31st of March, 1861.

Mr. MANN. The bill says:

For services rendered by the said Haynes in transporting the United States mails in the State of Texas prior and up to the 1st day of June, 1861.

Mr. BEALL of Texas. The bill carries no appropriation for any services rendered after the 31st of March, 1861.

[Cries of "Vote!"]

Mr. MANN. Then the bill ought to be corrected. I will say to gentlemen that I do not think they will expedite matters by being discourteous in this way. I understand my rights. Is it the policy of the Government to pay to these contractors, if they were disloyal to the Government during the war, money which otherwise would have been due to them?

Mr. MILLER. Mr. Chairman, if the gentleman from Illinois asks that question of me, I desire to answer that these men were loyal to the Government and were rendering service to the Government for which they have never been paid. As to whether they afterwards became disloyal or not is a question that I care nothing about. I am in favor of this Government paying its honest debts to men who were loyal to it at the time the service was rendered. [Applause.]

Mr. MANN. That is good talk for the hustings and good anywhere, I may say to the gentleman. He never says anything that is not good; but if this had been a piece of property belonging to this man and had been seized by the Government of the United States, then he would have no claim against the Government unless he proved his loyalty. In what does the distinction exist between services and property?

Mr. MILLER. If the gentleman will allow me, the distinction is this: If this had been property and had been taken, it would have been taken during the war. It could not have been taken at any other time. Now, the service was rendered before the beginning of the war.

Mr. MANN. It may be considered as having been taken during the war. If this man was disloyal to the Government, any claim which he had against the Government, unless I am mistaken, lapsed, and he has no right to assert it. In order to assert a claim against the Government he must prove his loyalty, and if he had commenced a suit in the Court of Claims he would be required to prove his loyalty.

Mr. PAYNE. If the gentleman will allow me—

Mr. MILLER. Certainly.

Mr. PAYNE. I am inclined to think the gentleman from Illinois is on a wrong scent in this case, although he is right in opposing this bill.

Mr. MANN. I was endeavoring to obtain information as to the law.

Mr. PAYNE. Perhaps I can give the gentleman a little information. A great many claims of this class have arisen for the carrying of the mails in the Confederate States up to June 1, 1861. Of course hostilities commenced before that time. Texas had seceded before that.

Mr. MANN. The gentleman from New York does not undertake to correct the gentleman from Kansas in his history, does he? He will throw the gentleman from Kansas into hysterics. [Laughter.]

Mr. PAYNE. I want to say to the gentleman that the Confederate States took up this matter early in the history of that government. They made an appropriation of \$750,000 to pay the claims, and Postmaster-General Regan paid five or six hundred thousand dollars of that money on claims of this kind. The gentleman when he came to Congress had forgotten all about it. One of the most pathetic things that ever occurred was his effort to remember that he had paid out this money. The Government of the United States got hold of the book and they found that the book showed that he had paid out of this appropriation five or six hundred thousand dollars. That book when it came into the possession of the United States was mutilated; a large number of pages had been cut out, but the remaining pages showed to whom the money was paid.

Of course the pages cut out did not show what claims had been paid. Claims came in, and under the law these claims were met by evidence that they had been paid, by evidence from the Confederate books. Although honorable gentlemen came in and swore that they had never received any pay on account of the claims before that book was discovered, it was shown afterwards that they had received money for those claims. After the book was discovered all claims had been cleaned up which the claim agents could find. Some gentleman in another

branch of Congress introduced a resolution that the Post-Office Department should report the contents of the book to Congress. That was a few years ago. All the Post-Office officials could do was to report a copy of the book, at the same time saying that it had been mutilated. Since that time a number of claims had passed both Houses and become laws. They are claims not enumerated on the pages that remain in the book, but whether on the pages that have been eliminated for some purpose or other or not it does not appear.

The committee ought not to bring in any claim and recommend it unless they have the most positive proof that the claim has not been paid; proof that establishes the fact beyond any dispute, in order to protect the Government of the United States. I have looked over the reports made in two or three cases, and I have failed to discover the proof in any of the cases, and therefore I think the payment should not be made. The service was rendered largely before the war, the Confederate States paid for it, and the men are not entitled to payment twice, and if this individual case was paid he ought not to be paid twice. It is a fact that his name does not appear on the book, but whether it appeared on the mutilated pages or not I do not know. I can not discover in the report or in the papers any evidence showing that he has not been paid.

Mr. MILLER. Mr. Chairman, now that the gentleman from New York has furnished the gentleman from Illinois with information along that line, I want to furnish him with a little along another line. This bill, whatever it may provide for the payment of this claim, the facts are that the services were rendered prior to March 31, 1861, as this report shows. Fort Sumter was fired on April 12, 1861, and the President's proclamation was issued on the 15th day of April, 1861, nearly half a month after the services were rendered.

Now, as to the question of proof. The committee has before it affidavits, all that it was possible to get, in reference to this matter. The mutilated records in the Treasury Department do not show that the claim was paid. The affidavits before the committee show that the claim was never paid, and the record in the Post-Office Department shows that this amount of money is now standing to the credit of this gentleman, showing that the Government of the United States has never paid it, and so I say that it ought to be paid.

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

The bill was ordered to be laid aside with a favorable recommendation.

P. S. CORBETT.

The next business was the bill (S. 1894) for the relief of P. S. Corbett.

The Clerk read the bill, as follows:

Be it enacted, etc., That the accounts of P. S. Corbett, formerly United States marshal for the State of Nevada, be readjusted by the Secretary of the Treasury, and the said Secretary is hereby directed to allow and credit to the said Corbett, under the head of "Fees and expenses of marshals, United States courts, 1883 and 1884," the sum of \$1,533.64 now charged against said Corbett on the books of the Treasury Department.

Mr. BEALL of Texas. Mr. Chairman, as I understand it, most of these bills have been read one time. Is it necessary that they should be read a second time in full?

The CHAIRMAN. The Chair is of opinion that they come up under a different rule of procedure. Many of them contain different items, and it would be difficult for a person to recall the former reading. The Chair will hold that each bill should be read as it is called up.

The question is on laying the bill aside with a favorable recommendation.

Mr. MANN. Mr. Chairman, I do not see how anybody can defend this bill. Of course I know it will pass. It is a Senate bill. The amount will be taken out of the Treasury of the United States.

Mr. MILLER. Will the gentleman allow me to ask him a question?

Mr. MANN. Yes.

Mr. MILLER. Does this bill require an appropriation of any kind? I want to call the gentleman's attention to the fact that it is simply for squaring the accounts of this man, who is dead, and it does not require a dollar from the Treasury of the United States. [Laughter.]

Mr. MANN. Mr. Chairman, when I said it would take money out of the Treasury of the United States I meant exactly what I said, though possibly not in the exact language of putting the hands in and taking the cash out. In fact I never have known people to do it in exactly that way. The Government of the United States has a claim against this man which is in process of collection. What are the facts? The man—or his bondsman

or his heirs; I don't remember now—desires relief. This man wants a claim paid to him on this basis, and let the gentleman understand it: In the old Territory of Nevada the United States marshal was allowed double mileage. Where marshals elsewhere were allowed 10 cents a mile for coming with the prisoner, this marshal was allowed 20 cents a mile in the Territory of Nevada. The reasons were good. Travel was difficult and expensive. There was good reason for allowing him 20 cents a mile. He was directed to bring a man from California to Washington. He came here with three in his party, not traveling in Nevada, but traveling all the way from California or Nevada to Washington. He was paid by the Government 10 cents a mile for three different persons for that trip, a very profitable trip for him to make. His cost did not equal 5 cents a mile. The Government already has paid him a profit on that transaction, and now they want the Government, because he happens to be a marshal in Nevada, to pay him 20 cents a mile all the way there and back again for three people for bringing a man down here to testify. Upon what basis can such a claim be maintained? If he were legally entitled to it he would have received it, but the Comptroller held that, although he was allowed double mileage within the Territory of Nevada, he was not allowed double mileage this side of there. He received his full 10 cents a mile for all the distance between Nevada and Washington and back again and 20 cents a mile for the distance traveled in the Territory of Nevada. Now he wants 20 cents a mile for the distance between Nevada and this capital. On what basis can such a claim be sustained?

Mr. MILLER. Mr. Chairman, I do not want this record to go out with the statement such as has been made by the gentleman from Illinois without any denial of it. The Congress of the United States in 1899 passed a law for the purpose of squaring the accounts of this same marshal, but under that law, because they had used certain words in reference to extraordinary expenses, the Comptroller of the Currency held that he could not swear his accounts. The Attorney-General of the United States, Benjamin H. Brewster, approved this bill, and I want to read just what he says in relation to it:

These expenses were incurred by an officer of the United States who endeavored in good faith to carry out the instructions imparted to him. I desire, therefore, if proper, to have this account of expenses allowed under section 837. If you adhere, however, to the decision that \$2 is the maximum expense for each day that can be officially allowed in his case, then I request that the account of Mr. Corbett may be sent to this department that steps may be taken to have the account approved as an extraordinary expense.

Mr. MANN. Does not the gentleman know that under the act of 1899 the expenses that were recommended by Attorney-General Brewster have been paid, and that it is the balance that was never recommended by him that this bill proposes to pay?

Mr. MILLER. Oh no; it is the entire amount recommended by Attorney-General Brewster.

Mr. MANN. Does not the gentleman know that part of this money was paid under the act of 1899?

Mr. MILLER. A part was paid under that act, and because the Comptroller of the Currency was not willing to recommend the whole amount, this act was desired. I desire further to say that the bondsmen of this man are all dead with the exception of one, and he is an old man over 80 years old, without any property. I do not know of any reason for trying to keep this any longer before the country. It ought to have been settled long ago.

The CHAIRMAN. The question is on laying the bill aside with a favorable recommendation.

The question was taken, and the bill was ordered to be laid aside with a favorable recommendation.

JOHN B. BROWN.

The next business on the Private Calendar was the bill (H. R. 15594) for the relief of John B. Brown.

The Clerk read as follows:

Be it enacted, etc., That the Court of Claims be, and the same is hereby, authorized and directed to entertain jurisdiction in the Indian depredation claims Nos. 4997 and 8639, filed in the Court of Claims during the terms of 1890 and 1891 and during the November term, 1892, without reference to the citizenship of John B. Brown, of San Antonio, Tex., now deceased, who originally filed said claims; and for the purposes of said action, based on said claims, said John B. Brown shall be assumed to have been a citizen of the United States at the date of said Indian depredation; the proof of loss and evidence in the case having been printed by the order of the court to which reference is made, which proof shows there is nothing wanting to give the Court of Claims jurisdiction except the question of citizenship.

Mr. BURLESON. Mr. Chairman, I move that the bill be laid aside with a favorable recommendation.

Mr. PAYNE. Mr. Chairman, if I remember this bill correctly, it is an endeavor to make a citizen out of a man because he had voted a number of times. That is the case, is it not?

Mr. BURLESON. Not solely upon the ground that he had voted several times.

Mr. PAYNE. So far as proof is concerned, he is not a citizen.
Mr. BURLESON. So far as proof is concerned, I think it is conclusive he was.

Mr. PAYNE. I think I have got hold of the right case. There was no proof the man was a citizen, except he had voted. He stated that he had been naturalized at two different places, but that his naturalization papers had been burned up; and when they came to search the records at each of those places they could not find any such naturalization papers. In order to have standing in the court he was required to be a citizen of the United States, because this is an Indian depredation claim. Now, that is the thing in a nutshell. The question is whether a man can avail himself of the privilege of citizenship simply because he voted but was never naturalized. When they went to the place where he said he was naturalized they found the records did not show it.

Mr. HENRY of Texas. Mr. Chairman, the gentleman did not state nearly all the facts in the case; it is much stronger in this case. The gentleman is correct as far as he has gone, but he could go a good deal further.

Mr. FITZGERALD. I wish to ask the gentleman in charge of the bill—

Mr. BURLESON. I would like to make a short statement about the matter. The parties at interest here are the heirs of John B. Brown, who was a native of Scotland. He came to this country in 1837, being about 22 years of age. He remained in Virginia for a short while and then went to Texas, at a time when it was a republic. He remained in Texas until he was past 80 years of age, and long after he had filed this suit against the Government, occasioned by Indian depredation committed against his property, the issue of his citizenship was raised. Under the act of March 3, 1891, the fact of citizenship was made a jurisdictional issue, or, rather, a jurisdictional fact. This worthy man had in the meantime grown old and his memory had failed him. His house had been destroyed by fire, and notwithstanding he stated under oath that he had been naturalized, he was unable to state where he had taken out his naturalization papers. There is no question of these facts; he had held office in Texas; he had presided as a judge of elections; a certificate for land as a citizen of Texas had been issued to him, and as a citizen of the republic of Texas a patent to the land had been issued to him. Under the laws of Texas every man who was in Texas during the days of the republic and rendered service during that period became a citizen of the republic of Texas, and under the enabling act admitting Texas to the Union every man who was a citizen of the republic of Texas became a citizen of the United States. I do not have the least doubt of this man's citizenship.

Mr. Chairman, this bill carries not a single dollar of appropriation. A gentleman near me has intimated that there are millions of dollars involved if this bill becomes law. I feel sure he is mistaken. As a matter of fact there is not one dollar of appropriation carried in the bill, only the right to sue in court.

Mr. PAYNE. What gentleman?

Mr. BURLESON. Well, not you, but somebody around here on this side.

Mr. BUTLER of Pennsylvania. Another gentleman.

Mr. BURLESON. Some gentleman near me intimated it. I want to state that citizenship, as I understand it, is the only question that has been raised against the plaintiffs who assert this claim in the Court of Claims against the Government. The issue of citizenship was not raised until this honest old Scotchman, this Texan, this worthy citizen of the Republic of Texas, had grown so old that his memory was failing him, and, Mr. Chairman, I contend that an honest Government should not undertake to raise or insist on any such technicality. I believe these people have a just and virtuous claim, and I am profoundly astounded at the distinguished gentleman from New York in raising this objection.

Mr. FITZGERALD. Mr. Chairman, I am not acquainted with the facts regarding this particular individual citizenship, but I do know something about the claims arising out of Indian depredations that are made by persons asserting that they were citizens of the United States at the time of the depredations. There is to-day a statute under which persons who were citizens and whose property has been destroyed by Indians in amity with the United States can go to the Court of Claims. A few years ago a bill was reported to this House by one of its committees which permitted persons, regardless of their citizenship at the time of the depredation and regardless of whether the Indians were in amity with the United States, to prosecute claims for the destruction of property. My recollection is that the attorney of the United States in charge of those cases—

Mr. HENRY of Texas. Will the gentleman let me make a suggestion?

Mr. FITZGERALD. Just one minute, please.

Mr. HENRY of Texas. I do not think the gentleman is discussing the real case.

Mr. FITZGERALD. The gentleman may not think I am, but I believe I am, and the attorney-general of the United States in charge of the Indian depredation claims stated that if that bill were enacted into law, it would vitalize claims amounting to something like, as I recall, \$10,000,000. Whether this case is one of that class I am unable to say.

Mr. BURLESON. It is not.

Mr. FITZGERALD. I do know a great many men, who asserted that they were citizens of the United States, either through failure of memory or lapse of time or for some other peculiar reason were unable to point out the particular place at which they were naturalized. They have been knocking at the doors of Congress ever since in an effort to obtain a legal standing given so as to enable them to go into the Court of Claims, which they can not do now under the general law.

[Cries of "Vote!"]

The CHAIRMAN. The question is on laying the bill aside with a favorable recommendation.

The question was taken; and it was so ordered.

WEST POINT, KY.

The next business was the bill (H. R. 6602) providing for the payment of claims growing out of the Army maneuvers at West Point, Ky., in 1903.

Mr. MANN. That bill was ordered laid on the table. That was the bill that passed the House—

Mr. MILLER. Some days ago, as an amendment to the Army appropriation bill.

The CHAIRMAN. The Chair is informed that this bill has never been acted upon.

Mr. MANN. The bill was recommended to be reported back and laid upon the table.

Mr. MILLER. That bill was adopted as an amendment to the Army appropriation bill some days ago, and it has already passed.

The CHAIRMAN. My understanding at that time was that that action was not to be taken, but that the action can be taken at this time on the bill.

Mr. MILLER. Let the bill be passed without prejudice.

The CHAIRMAN. Without objection, the bill will be laid aside with a recommendation that it lie on the table.

There was no objection.

POSTAL TELEGRAPH CABLE COMPANY.

The next business was the bill (H. R. 7028) for the relief of the Postal Telegraph Cable Company.

The Clerk reported the bill, as follows:

Whereas the Postal Telegraph Cable Company rendered telegraph service to the Post-Office Department from July 1, 1889, to June 30, 1893, during which period the bills of the company were properly rendered, with a protest against the rate fixed by the Postmaster-General attached, and the same was disallowed and returned with the vouchers, owing to the accompanying protest; and

Whereas the rate fixed by the Postmaster-General was subsequently declared illegal by the United States Court of Claims and the protest filed with the bills sustained. Pending the decision of the Court of Claims sufficient time elapsed as to place this claim beyond the jurisdiction of that court: Therefore

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to the Postal Telegraph Cable Company, a corporation incorporated under the laws of the State of New York, having its principal office at No. 253 Broadway, New York City, the sum of \$2,155.19, for telegraph service rendered to the Post-Office Department from July 1, 1889, to June 30, 1893.

Mr. MILLER. Mr. Chairman, I move that we take up the Senate bill which is on this Calendar, in place of the House bill.

The CHAIRMAN. The question is on the motion of the gentleman from Kansas [Mr. MILLER] that action be taken upon the Senate bill.

The motion was agreed to.

Mr. MILLER. Mr. Chairman, I move that it be laid aside with a favorable recommendation.

Mr. MANN. Mr. Chairman, the report on this bill states that a similar claim of the Western Union Telegraph Company—

The CHAIRMAN. The gentleman from Illinois [Mr. MANN] will suspend. The bill has not been read.

Mr. MANN. Mr. Chairman, I ask unanimous consent that the reading of the Senate bill be dispensed with.

The CHAIRMAN. Without objection, it is so ordered.

There was no objection.

Mr. MANN. Mr. Chairman, as I was saying, the report says a similar claim of the Western Union Telegraph Company, arising from the same cause, was decided by the Court of Claims on November 22, 1897, in favor of the claimant. Pending the decision of the Court of Claims sufficient time elapsed to place this claim beyond the jurisdiction of the court in the decision of

the Court of Claims in the case of the Western Union Telegraph Company. The rate of toll upon the claim referred to in the bill now under consideration was adjudged to be fair and reasonable. I do not think the Committee on Claims intended to mislead the House, but I leave it to anyone who heard the reading of this report if he would not think that the Court of Claims had considered and decided a claim against the Government. And yet I find in the report itself a statement that the decision of the Court of Claims was one by agreement between the parties, without any consideration by the court whatever, and a finding by the court upon an agreement between counsel is not entitled to any respect so far as a decision of the law is concerned. We would suppose from the report of the committee that the Court of Claims, having decided the Western Union case as a matter of law, that the Postal Telegraph Company as a matter of law was entitled to this decision. But the Court of Claims decided nothing as a matter of law. It had referred the case in the Court of Claims to Perry Heath as a referee, and the whole action that was taken in the case was by agreement of counsel upon the facts in that case and entitled to no credit so far as the law points are concerned.

Now, there is nothing in the report in this case to show how they arrive at this amount. This is a proposition to pay for telegrams sent out by the Post-Office Department. There is a long communication in the report, which is lengthy, but not a line from the Post-Office Department to indicate whether this claim ought to be paid or the amount of the claim ought to be paid. Upon what does the gentleman base the claim? Upon the sum claimed by the telegraph company? The Post-Office Department would be able to verify the figures; but the Post-Office Department has not been asked to say what should be the amount, even if we allowed the claim. In this case the Postmaster-General fixed the rate for telegraphing, as he does from year to year. The Western Union and the Postal Telegraph Company claim that the rate was too low. The Western Union Company filed a claim against the Government. The Administration changed. That distinguished gentleman, Perry Heath, who has been connected with various articles in the newspapers of somewhat savory tone, was appointed as referee to decide the case. He came to the conclusion that, upon no findings which were made or shown, the Western Union Company ought to be paid the extra amount. I do not criticize his opinion. There is nothing to indicate what it is based upon. The record in the court was made wholly by agreement of counsel, and not the slightest thing indicated that upon the merits of the case the Western Union had any claim; and there is nothing in this report to show that even if the Western Union had the most valid claim the Postal Telegraph Company has any claim at all.

Mr. DRISCOLL. I would like to ask the gentleman during how long a period these claims had accumulated along between the first and the last of these claims?

Mr. GRAHAM. Three or four years.

Mr. DRISCOLL. I would like to know why they were not adjudged from year to year?

Mr. WALDO. It was agreed between the Post-Office Department and this company that these claims should await the decision of the Western Union case.

Mr. DRISCOLL. And the Post-Office Department refused to pay any more than was agreed to be paid from time to time?

Mr. WALDO. The Government refused to pay except at the minimum rate; but it was left with the Postmaster-General, and he held they were entitled to this additional amount, and the Western Union was paid, but the Postal Telegraph Company never did receive pay.

Mr. DRISCOLL. Did the Postmaster-General agree to reserve the question as to whether the Postal Telegraph Company should be paid?

Mr. WALDO. It is claimed that that was done.

Mr. DRISCOLL. I do not believe that any person rendering service from time to time ought to make greater claims for the service than is right, and then at the end come in and ask additional compensation, when apparently he was satisfied with the compensation fixed at the time that the service was rendered.

Mr. CRUMPACKER. My understanding is that this claim is one for additional pay; that the Postmaster-General fixed a rate against which the telegraph companies protested earnestly; that the Postmaster-General acted arbitrarily, and subsequently the same rate was fixed for the Western Union Company. Then the Western Union Company went into court in an action to determine between the ruinous and confiscatory rate fixed by the Postmaster-General and what they believed to be a reasonable rate, and that the Post-Office Department and the Postal Company agreed that the Postal Company should abide the suit of the Western Union and the Government; and when that company was successful and recovered the difference between the

confiscatory rate fixed by the Postmaster-General and the reasonable rate, the Postal Company asks that it be paid for the same kind of service in the same way as the Western Union Company was paid. That is the case as I understand.

Mr. DRISCOLL. Was the Postal Telegraph Company obliged to continue a service which it regarded as confiscatory?

Mr. MILLER. It certainly was.

Mr. DRISCOLL. Could it not have discontinued the service if the compensation was not satisfactory?

Mr. MILLER. No.

Mr. PAYNE. Mr. Chairman, from a somewhat hasty reading of the report I observe that Postmaster-General Wanamaker fixed the rate at 1 mill per word, on the ground that the company was charging that rate to large corporations at the same time, and that the company showed the Postmaster-General that that information was not correct. That was one of the points litigated in the Western Union suit. The Western Union recovered for the rate claimed by the Postal company, and the papers show that the Postal company was to receive the same rate, as the result of the litigation, or the arbitration, whatever it was, that the Western Union company received.

Mr. MANN. The gentleman from New York does not mean to say that the rate was really fixed at 1 mill per word?

Mr. PAYNE. That is what I understand from a hasty reading of what Mr. Wanamaker said; but whatever that rate was that Mr. Wanamaker fixed, whether it was 1 mill per word or otherwise, he fixed that rate because he said he understood that that was the rate paid by large corporations to these telegraph companies for similar service. It turned out that his information was incorrect—that they were getting a larger rate from the large corporations.

Mr. MANN. He claimed, up to the end, that he was correct, and that he had fixed a rate above the rate that large corporations paid.

Mr. PAYNE. He claimed that, but the proof was otherwise.

Mr. RICHARDSON of Alabama. I did not hear very distinctly the statements of the gentlemen on the other side of the Chamber in an expression of their views, but after looking at this report of the Committee on Claims for a moment, it occurs to me, Mr. Chairman, that if the allegations of the report are true—and I do not hesitate to accept them as being the truth—that the Court of Claims in the Western Union case have passed on exactly the items claimed in this bill. The Court of Claims decided the charges to be reasonable and just. It seems that the Postmaster-General had occasion to make a contract in 1889 in which he limited the charges of the Western Union and Postal Telegraph companies for certain public services to 1 mill per word. That was not deemed by these companies to be fair, just, and reasonable. The matter was adjudicated on the part of the Western Union Telegraph Company and the rate decided to be so unreasonably low that the company could not earn a fair profit and make expenses at the rate of 1 mill per word, and the Court of Claims held that the charge that they claimed was reasonable and just, and so allowed it. Now, the Postal Telegraph Company comes up, the Western Union Company having already been paid, with the same claim, the same items, under the same contract, under the same conditions, and if that statement contained in the report is admitted by the gentleman from Illinois [Mr. MANN], it seems to me that this is a just and fair claim, and that it ought to be paid, and we ought not to consume further time on it. I was simply taking the statement of the report of the Committee on Claims and nothing else.

The CHAIRMAN. The question is on laying the bill aside to be reported to the House with a favorable recommendation.

The motion was agreed to.

Accordingly the bill was laid aside to be reported to the House with a favorable recommendation.

The CHAIRMAN. The Chair suggests that the House bill of like character (H. R. 7028) is still on the Calendar.

Mr. MILLER. In the House we will ask that that lie on the table.

The CHAIRMAN. If there be no objection, the House bill will be reported to the House with the recommendation that it lie on the table.

There was no objection.

PAY DIRECTOR E. B. ROGERS, UNITED STATES NAVY.

The next business was the bill (S. 2262) for the relief of Pay Director E. B. Rogers, United States Navy.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, directed to pay, out of any money in the Treasury not otherwise appropriated, to E. B. Rogers, pay director, United States Navy, the sum of \$1,000, said sum to be a payment in full for all losses of personal property incurred by him by reason of the destruction by fire

of the Windsor House, at Yokohama, Japan, on the morning of February 8, 1886.

Mr. MANN. A similar House bill has already been favorably acted upon.

The CHAIRMAN. The Chair suggests that it might be well to take on the Senate bill, and lay the House bill on the table, or let the House lay it on the table.

Mr. MILLER. I move to lay this bill aside to be reported to the House with a favorable recommendation.

The motion was agreed to.

Accordingly, the bill S. 2262 was ordered to be laid aside to be reported to the House with a favorable recommendation.

Mr. BUTLER of Pennsylvania. I move that the House bill lie on the table.

Mr. MILLER. We will ask that in the House.

The CHAIRMAN. The Chair suggests that the House may properly lay the House bill on the table.

M. A. PHELPS AND JOHN W. RENNER.

The next business on the Private Calendar was the bill (H. R. 12009) for the relief of the heirs at law of M. A. Phelps and the heirs at law of John W. Renner.

The Clerk read the bill, as follows:

Be it enacted, etc., That the sum of \$416.20 be, and the same is hereby, appropriated from any money in the Treasury of the United States not otherwise appropriated, to be paid into the registry of the United States district court in bankruptcy for the southern district of Ohio, western division, to be used and disposed of under the direction of the United States district judge in Cincinnati, Ohio, to be applied in the payment of final dividends as follows: In case No. 1100 in bankruptcy in said United States district court in the matter of the involuntary bankruptcy of Benjamin Homans, jr., to the personal representatives of M. A. Phelps, deceased, \$315; to the personal representatives of John W. Renner, \$101.20; said amounts having been, by misapprehension, paid the assistant treasurer of the United States at Cincinnati, Ohio.

Mr. MANN. Mr. Chairman, this bill proceeds upon the theory that certain money was paid under a misapprehension. The bill says "said amount having been by misapprehension paid the assistant treasurer of the United States at Cincinnati, Ohio." The fact is that this is an old claim in bankruptcy which some attorney has dug up, as appears by what the clerk of the court says upon the subject. I respectfully suggest that there was no misapprehension whatever in regard to that deposit.

Mr. MILLER. Will the gentleman from Illinois allow me?

Mr. MANN. I always allow the gentleman anything he wants.

Mr. MILLER. What the gentleman from Illinois states is absolutely true, that it was under no misapprehension. The clerk was compelled under the law to turn the money into the Treasury of the United States, and the only way that it can be got out and paid to the men to whom it rightfully belongs is by this method.

Mr. MANN. The gentleman having admitted that the bill passed his scrutinizing eye with something in it that ought not to be in it, permit me to call his attention to something else in regard to it. Here was a bankruptcy estate, and a time was provided for filing claims and proving up claims. More than thirty years have elapsed since that time has passed, and no effort has ever been made to prove those claims in the bankruptcy case. Now comes the record in the case showing that because an attorney found there was a surplus of funds in the bankrupt estate, and under the law, no one appearing to claim those funds, they were turned into the Treasury of the United States, and the attorney goes up and digs out these claims which were rightfully filed but never have been proved up, and comes before the Congress of the United States and says that these claims ought to be paid out of this surplus fund, thirty years after they had been abandoned, without any proof whatever that the people ever had valid claims against the bankrupt estate.

I do not believe that the gentleman from Kansas, even with an assurance made on his part, can hardly persuade himself that if he had his way about it he would recommend the payment of such a claim.

Mr. MILLER. In reply to the gentleman from Illinois, I desire to call the gentleman's attention, for the purpose of information only, to what is stated by the clerk of courts for the purpose of showing that this matter had not been settled for thirty years. He said:

In reply you are respectfully informed that a petition in bankruptcy was filed by Benjamin Homans, jr., No. 1100, September 13, 1869. Said matter was prosecuted from time to time, and deposits were made to meet certain claims that had been adjudicated up to May 24, 1901, when it appearing to the court that a balance in said matter of \$834.41 had been in the registry since May 16, 1888, being for more than ten years, the same was deposited with the assistant treasurer at this place to the credit of the United States.

Mr. MANN. I said that the claims were thirty years old.

The CHAIRMAN. The question is on laying the bill aside with a favorable recommendation.

The question was taken; and the bill was ordered to be laid aside to be reported to the House with a favorable recommendation.

FRANKLIN PATTERSON.

The next business on the Private Calendar was the bill (H. R. 3462) for the relief of Franklin Patterson.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury of the United States of America be, and he is hereby, authorized and directed, out of any moneys not otherwise appropriated, to pay to Franklin Patterson, of Atlantic Highlands, N. J., the sum of \$1,992, said payment when made to be in full satisfaction of the claim of said Franklin Patterson, as an applying creditor, and also as care taker of the property levied upon, and also to be in full satisfaction of all interest, costs, and expenses, under a certain attachment issued on the 4th day of September, A. D. 1891, out of the inferior court of common pleas of the county of Monmouth and State of New Jersey, at the suit of Eusebius W. Arrowsmith, jr., plaintiff, against The Pneumatic Dynamite Gun Company, defendant, and levied upon the said Pneumatic Dynamite Gun Company plant, on the United States reservation at Sandy Hook, N. J., which plant was afterwards purchased by the United States of America while still subject to the lien of said attachment; said claim, although prior to the title of the United States of America to said property, being still unpaid, although the plaintiff has been settled with and said Franklin Patterson and Frederick Parker, the duly appointed auditor in said attachment, having been enjoined and prevented from selling said plant on the ground that the same was a necessary part of the defenses of the city of New York and that there was no appropriation for the payment of said claim, but said plant having been afterwards, to wit, in the year 1902, condemned by the United States of America as no longer useful, and having been sold by the United States of America to a private individual or corporation for the sum of \$20,000 or thereabouts, which has been paid into the Treasury of the United States, and the said United States of America having prevented the said Franklin Patterson from making sale of said plant so attached, although the said injunction from selling the same was dissolved by the United States circuit court for the district of New Jersey on the 21st day of July, A. D. 1902, and the United States of America having allowed the purchaser of said goods and chattels so attached to remove and dispose of the same without first paying and satisfying the said claim of said Franklin Patterson.

Sec. 2. That this act shall take effect from the date of its passage.

The committee amendments were read, as follows:

On page 1, line 7, erase words "one thousand nine hundred and ninety-two" and substitute therefor the words "one thousand one hundred and forty-eight."

On page 1, line 9, erase word "as" and words "and also as."

On page 1, line 10, erase words "caretaker of the property levied upon and also to be."

On page 1, line 11, erase words "interest, costs, and expenses" and substitute therefor the words "claim against the United States of America."

The amendments were agreed to.

The bill was ordered to be laid aside to be reported to the House with a favorable recommendation.

DELIA B. STUART.

Mr. MILLER. Mr. Chairman, I now ask unanimous consent to return to Calendar No. 2811, to which a point of order was made, and I move that the bill be laid aside with a favorable recommendation. The Clerk might read the bill again.

The CHAIRMAN. The Chair will state that the bill was ruled out on a point of order and that it is not now in order to move to lay it aside with a favorable recommendation.

Mr. MILLER. I have asked unanimous consent that we may now take it up. The point of order against the bill will be withdrawn.

Mr. MANN. The gentleman is hardly right as to his parliamentary proposition. So far as the bill is concerned, I made the point of order that it should come from the Committee on War Claims. I happened to miss a minute which I had in connection with the bill, having revised my own opinion of the bill. I desire, so far as I am concerned, to withdraw the point of order, if I may. Simply to present the matter in an orderly way, and I ask unanimous consent that I may be permitted to withdraw the point of order which was made against the bill, and that the bill may be again presented to the committee for consideration.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent that proceedings taken under the point of order may be vacated. Is there objection?

There was no objection, and it was so ordered.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Delia B. Stuart, widow of John Stuart, late a private of Company H, Second United States Artillery, the sum of \$150, this sum being due her as the widow of the said John Stuart as a balance of bounty still unpaid.

Mr. MILLER. Mr. Chairman, I move that the bill be laid aside with a favorable recommendation.

The bill was ordered to be laid aside with a favorable recommendation.

L. L. ARRINGTON AND L. S. ARRINGTON.

The next business was the bill (H. R. 5666) for the relief of L. L. Arrington and L. S. Arrington.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury of the United States of America is hereby authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of \$120.30 to L. L. Arrington and L. S. Arrington, for certain witness fees due by the United States Government to witnesses who were duly subpoenaed to attend, and did attend, the United States district court for the north-eastern division of the southern district of Georgia and the court of the United States commissioner, George K. Calvin, in the division and district aforesaid, in the year 1894, and who did not, at any time, receive the fees to which they were entitled, but transferred their claim therefor under the aforesaid subpoena to L. L. Arrington and L. S. Arrington, who in like manner have never been paid.

With the following committee amendment:

Add the following words:

"Provided, That the appropriation herein made shall not be available until the said L. L. Arrington and L. S. Arrington shall file with the deputy clerk of the United States court for the division and district aforesaid a bond, with good and sufficient security, to be approved by said clerk, in double the amount of the appropriation, conditioned to protect the United States from any claim that may be made for said fees by said witnesses."

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken; and the amendment was agreed to.

The CHAIRMAN. The question now is on laying the bill aside with a favorable recommendation.

Mr. MANN. Mr. Chairman, I stated to the gentleman in charge of the bill that if this matter had been referred to the Attorney-General I had no objection to the bill, and I can see no reason why the Committee on Claims should report on paying witness fees to somebody who did not earn the fees, without any certificate from the marshal, without any report from the Attorney-General, without any statement from anyone that the fees were earned. If the fees were earned, very well. It seems that in this case some gentleman engaged in trade in the city, as a matter of accommodation, purchased certificates from the witnesses, and I would be very far from wanting to throw any difficulty in the way of their collecting the claims, but we have absolutely nothing but their statements in reference to these fees as to a part of the fees. As to another part of the fees there is a certificate in which the United States marshal certifies that the fees are correct; but we ought to have, it seems to me, a report from either the Attorney-General, as to whether these fees were due from the United States, or a certificate from the proper officials. I understand the gentleman from Georgia [Mr. HARDWICK] has a certificate to that effect.

Mr. HARDWICK. I do not want to be misunderstood about it—

Mr. MANN. I yield to the gentleman.

Mr. HARDWICK. Mr. Chairman, this matter was referred to the Department of Justice, and Mr. Purdy, Acting Attorney-General, just simply said that he was opposed to it because the transfers were not made under section 3477 of the Revised Statutes; in other words, because they were not collectible under the general law. When he made that objection to the committee I immediately said that we would never have any claim allowed, nor have any Committee on Claims, if we followed him. That is what the Committee on Claims is for, to pass bills for which provision is not made in the general existing law. There is no doubt in the world about the accuracy of these claims. These people have sworn to them. I do not see why they should not pass.

Mr. MANN. Of course the gentleman from Georgia would not say claims against the Government were just because somebody swears to them. We have a process of ascertaining the facts. We ought to have some process of ascertaining the validity besides the oath of the claimant. As far as the opinion of the Attorney-General is concerned, as cited by the gentleman, I do not care anything about that. I think we ought to know whether the witness fees are due at all or not.

Mr. MILLER. I desire to say in reply to the gentleman from Illinois that there is no question about the fact that these parties were entitled to their fees and they were paid their fees by the parties making this claim here.

Mr. HARDWICK. The marshal being sick at the time.

Mr. MILLER. Of course the people could not stay there. They were from a long distance and were compelled to go. These parties paid them their fees as a mere matter of accommodation. There is a certificate of the commissioner here to the effect that these fees were due these men, and the Government of the United States is not to lose anything by it, as in the bill we make provision that the appropriation shall not be available until these parties shall file with the deputy clerk of the United States court for the division and district aforesaid a bond with good and sufficient security, to be approved by said clerk, in double the amount of the appropriation, conditioned to protect the United States from any claim that may be made for said fees by said witnesses.

The bill was ordered to be laid aside with a favorable recommendation.

JOHN SMITH.

The next business on the Private Calendar was the bill (H. R. 2926) for the relief of the heirs of John Smith.

The Clerk read as follows:

Whereas John Smith, deceased, who died at the Soldiers' Home in Washington, D. C., on July 30, 1891, at the time of his death had in the custody of the National Soldiers' Home at Washington, D. C., \$1,998.50; and

Whereas the officers of said Home claim that \$1,788 of this sum has escheated to the said Home, under section 4 of act of Congress, 1883, but that they have held the full sum of \$1,998.50, and have paid no part thereof to his heirs, who are Charles J. Smith, of Jackson, Mich.; Mary E. Carey, of Jackson, Mich., and Kittie Schilling, of Valley City, S. Dak., who are his lawful heirs; and

Whereas the officers of said Home require instructions before they will pay over said sum: Therefore

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Charles J. Smith, Mary E. Carey, and Kittie Schilling, in equal proportions, the sum of \$1,998.50, and legal interest thereon since July 30, 1891, in full for said money so deposited with said Home and officers thereof and the use thereof.

The committee amendments were read, as follows:

In lines 5 and 6 strike out "and legal interest thereon since July 30, 1891;" and in line 7 strike out "and the use thereof."

On page 2, line 2, strike out the word "Charles" and insert the word "Charles;" same line strike out the letter "E," after the word "Mary," and insert in lieu thereof the words "Ann Smith."

In line 3, after the word "Carey," insert "of 432 Backus street, Jackson, Mich.;" same line strike out the words "Kittie Schilling" and insert the words "Catherine Smith Schillings, of Valley City, N. Dak."

The amendments were agreed to.

Mr. MANN. Mr. Chairman, this is a bill to pay money out of the Treasury of the United States which the report shows is in the hands of the managers of the Soldiers' Home. It seems to be a queer proposition. There was a conflict in reference to the ownership or heirship of property left by a man who died at the Soldiers' Home. The trustees of the Soldiers' Home have the money. They have it in their hands and claim the money. This bill does not propose to take the money out of their hands, it does not propose to pay to these people the money in the hands of the Soldiers' Home, but it proposes to pay an equal amount out of the Treasury of the United States and let the Soldiers' Home retain the money there. Under the law, under certain conditions, if a person dies at a Soldiers' Home and leaves an estate, they become his heirs or the estate escheats to them. There was a long contest over this proposition.

An effort was made to get the people connected with the Soldiers' Home to turn over the money. They claim that they were entitled to the money, and the matter went before the Judge-Advocate-General, and it has been before various officials. The money is now not in the Treasury of the United States, as shown by the report. General Lieber says the money amounted to nineteen hundred and ninety-eight dollars and fifty cents, and it now belongs to the Home. The money is in the hands of the Home. The bill recites a claim against the Home, and thereupon proceeds to provide that there shall be paid out of any money in the Treasury not otherwise appropriated this sum of money. The money in the hands of the Home, which they claim is their own, will still remain in their possession. Under what theory is it that we propose to pay out of the Treasury money which does not belong to the Government of the United States, which is not in the Treasury of the United States, with which we have nothing to do? A dispute between the Soldiers' Home and people who claim to be heirs of the man, and while the fund is in contest, without any exercise of authority over the fund by us at all, we are supposed to pay money out of the Treasury. I do not see how the gentleman can justify such a position. I reserve the balance of my time.

Mr. MILLER. Mr. Chairman, the committee justifies its position upon the strength of the report of the Judge-Advocate-General, which clearly pointed out the manner in which this money could be taken from the Soldiers' Home and put into the Treasury of the United States, and it is the duty of the Government of the United States to look after this matter and get it into the Treasury, and it is our province to get it into the hands of the people to whom it legitimately belongs, and then let the Government of the United States protect itself as suggested by the Judge-Advocate-General; and then it will get into the Treasury of the United States.

Mr. MANN. Ah, but, Mr. Chairman, the Judge-Advocate-General suggests how the question can be brought and the manner in which the money shall go into the Treasury of the United States. That matter has never been tested in accordance with the suggestion of the Judge-Advocate-General. The money is now in the hands of the managers of the Soldiers' Home. This bill does not seek to try the title to that money;

it does not provide in any way for the control of that money; it leaves that money in their hands, and proposes to appropriate out of the Treasury of the United States a sum equal to that.

The bill was ordered to be laid aside with a favorable recommendation.

COPIAH COUNTY, MISS.

The next business on the Private Calendar was the bill (H. R. 3518) for the relief of Copiah County, Miss.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury of the United States not otherwise appropriated, to the board of supervisors of Copiah County, Miss., the sum of \$164.50, in full compensation for costs incurred in defending the suit of The United States against the board of supervisors of Copiah County and The Virginia Bridge and Iron Company in the circuit court of the United States for the southern district of Mississippi, at May term, 1899, held at Jackson, Miss., said suit being instituted to enjoin the board of supervisors of Copiah County from constructing a bridge over Pearl River at Rockport, Miss., which injunction was dissolved by the court and costs adjudged against the United States.

Mr. McLAIN. Mr. Chairman, I move to lay the bill aside with a favorable recommendation.

The CHAIRMAN. The gentleman from Mississippi moves that the bill be laid aside with a favorable recommendation.

Mr. MANN. Mr. Chairman, the bill purports to be a bill to pay to a county in Mississippi full compensation for the cost incurred by that county in a suit. The fact is a bridge was built by that county across a river in that county. There came a contest between the Government of the United States and the county as to the authority of the county to build this bridge. A suit was instituted in the United States courts. Before that suit was settled the Congress of the United States passed an act validating the construction of the bridge. There is no question raised but that the suit was properly brought and that the suit was in good faith, that the question properly existed, but Congress afterwards provided that these people should be relieved from any trouble by reason of having built the bridge without authority. Now, the bill purports to be a bill to pay costs. There are no taxed costs in the case. This is not for the payment of costs taxed by the court.

Mr. RICHARDSON of Alabama. Was the bridge built across a navigable stream?

Mr. MANN. It was for a bridge built across a stream which the Government claimed was navigable. I do not know what the facts may have been about the navigability of it, but the fact that Congress afterwards passed an act authorizing the structure seemed to assume that Congress took the position that it was a navigable stream. Now, even if we were to repay the costs there are no taxed costs in the case. Why, whenever the Government of the United States has a controversy with somebody in a law suit, does it propose to pay, when they settle the case, all of the costs, of the attorneys' fees, and the expenses of the other party?

Mr. RICHARDSON of Alabama. If this was not a navigable stream, and had not been so declared by the Government, then the Government would have been in error in causing the other party to be put to that expense. I am advised that the Government never declared it a navigable stream.

Mr. MANN. The gentleman is a member of the committee that I have the honor to belong to—the Committee on Interstate and Foreign Commerce—and is one of its principal lights. The gentleman surely would not for a moment contend that the Government has to declare that a certain stream is navigable before the Government has authority over the construction of bridges across that stream; because the Government does not undertake to say that certain streams are navigable. That is a question of fact. And if the stream be navigable the Government has the jurisdiction.

Mr. RICHARDSON of Alabama. The Government has declared a great many streams navigable that have never been navigable, and the Government does it because of certain policies and certain views, and in my opinion the Government has never declared that stream navigable. The bridge was probably put up there by the State.

Mr. MANN. I do not know whether the bridge was properly put there or not. That is a matter that never was determined. That was in litigation. That was a question that was serious enough to attract the attention of the Government of the United States and litigation ensued. It is not likely that litigation ensued at the suggestion of the United States Government. That litigation ensued at the suggestion of the navigation interests, and pending that suit, before its determination, Congress authorized the structure. That was a compromise between the two litigants. On what theory do we now propose to pay them all the expenses, the attorneys' fees, or anything else that you

please to name, not taxed against the Government at all? There were stenographers' fees and various fees taxed as costs—just the fees that a board of supervisors choose to say they have expended or incurred.

[Cries of "Vote!"]

The CHAIRMAN. The question is on laying the bill aside with a favorable recommendation.

Mr. MILLER. Mr. Chairman, I desire to call the attention of the committee now to the facts in this case. This was an action commenced by the United States against this county, and it was tried and judgment rendered against the Government, and the Government took an appeal to the court of appeals. Pending that appeal to the court of appeals the Congress of the United States legalized the action of that county in building the bridge. Judgment had been rendered against the Government for the costs in the case. This committee simply asks that the costs of witnesses, \$164, be paid.

[Cries of "Vote!"]

The CHAIRMAN. The question is on laying the bill aside with a favorable recommendation.

The question was taken; and it was so ordered.

T. J. H. HARRIS.

The next business on the Private Calendar was the bill (H. R. 6417) for the relief of T. J. H. Harris.

The bill was read, as follows:

A bill (H. R. 6417) for the relief of T. J. H. Harris.

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to T. J. H. Harris, of Union, S. C., \$341.55, the same being the balance due said T. J. H. Harris for services rendered the United States in enumerating the population of Union County, S. C., in the year 1860.

The bill was ordered to be laid aside with a favorable recommendation.

DELIA B. STUART.

Mr. MILLER. Mr. Chairman, I ask unanimous consent to take up the Senate bill 2724 that it may be considered now. This is a bill for the relief of Delia B. Stuart.

The CHAIRMAN. What is the Calendar number?

Mr. MILLER. Three thousand five hundred and twenty-eight. I simply want to ask that the Senate bill be laid aside with a favorable recommendation, so I can move to substitute it in the House.

The CHAIRMAN. The gentleman from Kansas asks unanimous consent that the Senate bill be laid aside with a favorable recommendation.

Mr. PAYNE. The House bill has been favorably acted on. Is this the Senate bill?

Mr. MILLER. I ask now that the Senate bill be favorably acted upon.

The CHAIRMAN. What is the Calendar number?

Mr. MILLER. Three thousand five hundred and twenty-eight. Mr. MANN. What is the number of the report on the Senate bill?

Mr. MILLER. Four thousand and ninety-four.

Mr. PAYNE. It is reported from the Committee on War Claims, I understand. [Cries of "Regular order!"]

Mr. BURLESON. I demand the regular order.

JOHN HUDGINS.

The next business on the Private Calendar was the bill (H. R. 13357) for the relief of John Hudgins.

The bill was read, as follows:

A bill (H. R. 13357) for the relief of John Hudgins.

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to John Hudgins, of Chillicothe, Mo., out of any money in the Treasury not otherwise appropriated, the sum of \$246.57, being the balance due said John Hudgins as late contractor on mail route No. 10511.

The amendment recommended by the committee was read, as follows:

In line 4 strike out the word "Chillicothe" and insert the word "Mooreville."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

JOHN WALLER.

The next business on the Private Calendar was the bill (H. R. 6104) to reimburse John Waller, late postmaster at Monticello, N. Y., for moneys expended in carrying the mails.

The bill was read, as follows:

A bill (H. R. 6104) to reimburse John Waller, late postmaster at Monticello, N. Y., for moneys expended in carrying the mails.

Be it enacted, etc., That the Secretary of the Treasury is hereby authorized and directed to pay to John Waller, late postmaster at Monticello, N. Y., out of any moneys in the Treasury not otherwise appropriated, the sum of \$426.25, to reimburse him for moneys expended in carrying the United States mails and for damages consequent therefrom.

Mr. MANN. Mr. Chairman, here is a bill it is claimed that the postmaster incurred in order to have the mail carried when snow upon the ground prevented trains from running. Now, the postmaster incurred bills to the amount of \$215. Thereupon, it is proposed to pay him \$426.25, although the Department reported against the claim. At the time these claims were made the Post-Office Department turned down the claims. When the first claim was presented, the postmaster was notified that the Government of the United States would not pay these bills. He went on incurring claims, and did not stop when his bills were disallowed. He did not stop when he was notified by the Post-Office Department that he had no authority to incur these bills. He went ahead incurring bills. Then, having incurred bills for \$215 and some expenses, it is true, in defending a suit, it is proposed to pay him over \$400. It seems to me that that is beyond all reason.

Mr. MILLER. I move that the bill be laid aside with a favorable recommendation.

The motion was agreed to.

JOHN HUDGINS.

Mr. RUCKER. Mr. Chairman, I move to substitute Senate bill 5446 for the House bill just passed.

The CHAIRMAN. The gentleman from Missouri asks unanimous consent that the Senate bill 5446 be substituted for the House bill.

Mr. PAYNE. Has the Senate bill been reported?

Mr. MILLER. The Senate bill has been reported.

Mr. PAYNE. Then this committee has no authority to do that. This bill is not in this committee.

Mr. GROSVENOR. This can be done in the House when this bill comes up for passage. Then the Senate bill can be substituted.

Mr. PAYNE. I have no objection at all to that being done.

The CHAIRMAN. The Chair is of the opinion that the committee should report the Senate bill here with a favorable recommendation.

Mr. MANN. Reserving the right to object, I beg to ask the gentleman whether the Senate and House bills are identical?

Mr. RUCKER. I do not know that I can state that they are identical in terms, but they carry the same amount.

Mr. MANN. The amount is identically the same?

Mr. RUCKER. Absolutely so.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. PAYNE. I object to its being considered now; if it had been reported, I would have no objection to it.

Mr. MANN. This is not a substitute. This is simply to report the Senate bill favorably.

Mr. GRAHAM. It is on the Calendar.

Mr. PAYNE. I asked the question if the Senate bill had been reported from the committee, meaning the Committee on Claims.

Mr. MILLER. Oh, yes.

Mr. PAYNE. So that it is before the Committee of the Whole.

Mr. MILLER. Certainly.

The SPEAKER. The Chair states to the gentleman from New York that the Senate bill has been reported from the Committee on Claims.

Mr. PAYNE. Very well, then, I have no objection.

The CHAIRMAN. It is pending before the committee at this time.

Mr. MILLER. Regular order!

The CHAIRMAN. The question is on laying the bill aside to be reported to the House with a favorable recommendation.

The question being taken; the bill was ordered to be laid aside to be reported to the House with a favorable recommendation.

C. A. BERRY.

The next business was the bill (H. R. 8365) for the relief of C. A. Berry.

Be it enacted, etc., That there be paid to C. A. Berry, of Casey, Iowa, out of any money in the Treasury not otherwise appropriated, the sum of \$150, being the amount paid by C. A. Berry and J. G. Berry for Ruth C. Berry, as shown by cash receipt No. 21616 of the Des Moines, Iowa, land office, the entry under which said payment was made having been canceled, and the said C. A. Berry being the sole heir and legatee of the said Ruth C. Berry.

The bill was ordered to be laid aside to be reported to the House with a favorable recommendation.

GEORGE W. SCHROYER.

The next business was the bill (H. R. 16581) for the relief of George W. Schroyer.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to refund and pay, out of any money in the Treasury not otherwise appropriated, to George W. Schroyer, of Lancaster, Pa., the sum of \$102.30, being duty paid on certain bulbs which when received were found to be damaged and worthless.

The bill was ordered to be laid aside to be reported to the House with a favorable recommendation.

BARCLAY H. WARBURTON.

Mr. GRAHAM. Mr. Chairman, I ask unanimous consent that the point of order raised against the bill (H. R. 3577) for the relief of Barclay H. Warburton be reconsidered, and that the action of the committee in reference to that bill be vacated.

The CHAIRMAN. The gentleman from Pennsylvania asks unanimous consent that the proceedings taken under the point of order raised against the bill H. R. 3577 be vacated.

Mr. GRAHAM. The point was raised by Mr. MANN, and he has decided to withdraw it.

The CHAIRMAN. Is there objection?

Mr. MANN. Mr. Chairman, I will not insist upon the point of order.

The CHAIRMAN. The Chair hears no objection. Proceedings under the point of order are therefore vacated.

Mr. GRAHAM. Mr. Chairman, the bill has already been read. I now move that the bill be laid aside to be reported to the House with a favorable recommendation.

The motion was agreed to.

Accordingly the bill was ordered to be laid aside to be reported to the House with a favorable recommendation.

CHARLES S. BLOOD.

Mr. SPARKMAN. Mr. Chairman, I ask unanimous consent that the point of order raised in regard to the bill (H. R. 2702) for the relief of Charles S. Blood (Calendar No. 2828) be set aside, and that the bill be now considered.

Mr. PAYNE. Mr. Chairman, I ask the gentleman from Florida if that is the bill he spoke to me about?

Mr. SPARKMAN. Yes; that is the same bill.

Mr. PAYNE. I am sorry to say I shall have to object to that.

Mr. SPARKMAN. Then it is of no use for me to make this request.

REPORT FROM THE COMMITTEE OF THE WHOLE.

Mr. MILLER. Mr. Chairman, I move that the committee rise and report the several bills and amendments to the House for its action.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. CAMPBELL of Kansas, Chairman of the Committee of the Whole on the Private Calendar, reported that that committee had had under consideration sundry bills, and had directed him to report to the House the bills H. R. 6602 and H. R. 7028 with recommendation that they lie on the table; also that they had directed him to report the bills H. R. 2702 and 16166 as having been reported from the Committee on War Claims without jurisdiction; also that they had directed him to report sundry other bills, some with and some without amendments, and with the recommendation that the amendments be agreed to and that the bills as amended do pass.

The SPEAKER pro tempore. The bills reported from the Committee of the Whole House with the recommendation that they be referred to the Committee on War Claims—H. R. 2702, for the relief of Charles S. Blood, and H. R. 16166, for the relief of A. J., C. C., and T. W. Hodges—without objection, will be referred to the Committee on War Claims.

There was no objection.

Mr. MILLER. Mr. Speaker, I ask unanimous consent that the previous question may be ordered on all bills and amendments to their final passage.

Mr. MANN. I object.

Mr. MILLER. Then, Mr. Speaker, I ask unanimous consent that on all bills and amendments unobjected to the previous question be ordered.

Mr. NORRIS. I object.

The SPEAKER pro tempore. The Clerk will report the first bill.

BILLS LAID ON THE TABLE.

The Clerk reported the first bill reported from the Committee of the Whole House, which was the bill (H. R. 6602) providing for the payment of certain claims growing out of the Army maneuvers at West Point, Ky., in 1903, with the recommendation that it lie on the table.

The recommendation was agreed to.

The next bill reported from the Committee of the Whole House was the bill (H. R. 7028) for the relief of the Postal Telegraph Cable Company, with the recommendation that it lie on the table.

The recommendation was agreed to.

BILLS PASSED.

The following House bills reported from the Committee of the Whole without amendment were severally considered, ordered

to be engrossed and read a third time, were read the third time, and passed:

H. R. 8699. A bill for the relief of James A. Carroll;
H. R. 1371. A bill to refund to J. Tennant Steeb certain duties erroneously paid by him, without protest, on goods of domestic production shipped from the United States to Hawaii and there-after returned;

H. R. 9212. A bill for the relief of Joseph W. I. Kempa, executor of the last will and testament of William J. Grutza, deceased;

H. R. 1563. A bill for the relief of Matthew J. Davis;
H. R. 5169. A bill for the relief of W. B. Sutter;
H. R. 8. A bill for the relief of the Harbison-Walker Company, of Pittsburg, Pa.;
H. R. 2326. A bill for the relief of J. W. Bauer and others;
H. R. 5. A bill to provide for the refunding of certain money, etc.;

H. R. 9386. A bill for the relief of Henry Hirschberg;
H. R. 10305. A bill to provide for the repayment of certain customs dues;

H. R. 7746. A bill for the relief of Columbia Hospital and Dr. A. E. Boozer;

H. R. 17099. A bill to authorize the refund of part of fines imposed on the vessels *Sotie R.*, *Mathilda R.*, and *Helen R.*;

H. R. 4271. A bill for the relief of Patrick J. Madden;
H. R. 4300. A bill for the relief of A. J. Stinson;
H. R. 4299. A bill for the relief of John Stinson;
H. R. 1050. A bill for the relief of Edwin S. Hall;
H. R. 12840. A bill for the relief of L. Biertempfel;

H. R. 11676. A bill for the relief of persons who sustained property damage caused by fire at the Rock Island Arsenal;

H. R. 13418. A bill for the relief of W. S. Hammaker;

H. R. 15594. A bill for the relief of John B. Brown;

H. R. 12009. A bill for the relief of the heirs at law of M. A. Phelps and the heirs at law of John W. Renner;

H. R. 14232. A bill for the relief of Delia B. Stuart, widow of John Stuart;

H. R. 3518. A bill for the relief of Copiah County, Miss.;

H. R. 6417. A bill for the relief of T. J. H. Harris;

H. R. 6104. A bill to reimburse John Waller, late postmaster at Monticello, N. Y., for moneys expended in carrying the mails;

H. R. 8365. A bill for the relief of C. A. Berry;

H. R. 16581. A bill for the relief of George W. Schroyer; and

H. R. 3577. A bill for the relief of Barclay H. Warburton.

The following House bills, reported from the Committee of the Whole with amendment, were severally considered, the amendments agreed to, and the bills as amended ordered to be engrossed and read a third time, read the third time, and passed:

H. R. 4233. A bill to reimburse the Harpswell Steamboat Company, of Portland, Me., for expenses incurred for repairing damages sustained by its steamer *Sebascodegan* in collision with the U. S. S. *Woodbury*.

H. R. 14381. A bill authorizing and directing the Secretary of the Treasury to pay to the Holtzer-Cabot Electric Company the amount due said company from the Post-Office Department;

H. R. 5622. A bill for the relief of M. D. Wright and Robert Neill;

H. R. 15850. A bill for the relief of M. A. Johnson, of Stoughton, Dane County, Wis.;

H. R. 18020. A bill for the relief of Snare & Triest (the title was amended);

H. R. 6418. A bill for the relief of T. B. Stackhouse, a deputy collector of internal revenue for the district of South Carolina during the fiscal year 1894 and 1895;

H. R. 8727. A bill for the relief of James W. Kenney and the Union Brewing Company;

H. R. 14464. A bill for the relief of Wiley Corbett;

H. R. 4629. A bill for the relief of William H. Gowdy;

H. R. 9298. A bill for the relief of the estate of David C. Haynes, deceased (the title was amended);

H. R. 3462. A bill for the relief of Franklin Patterson;

H. R. 5666. A bill for the relief of L. L. Arrington and L. S. Arrington; and

H. R. 2926. A bill for the relief of the heirs of John Smith.

The following Senate bills, reported from the Committee of the Whole without amendment, were severally considered, ordered to be read a third time, were read the third time, and passed:

S. 1236. An act to authorize payment to the Henry Philipps Seed and Implement Company for seed furnished to and accepted by the Department of Agriculture during the fiscal year 1902;

S. 538. An act for the relief of Charles T. Rader;

S. 1169. An act for the refund of certain tonnage duties;

S. 4348. An act for the relief of Augustus Trabing;

S. 2578. An act for the relief of Alice M. Stafford, administratrix of the estate of Capt. Stephen R. Stafford;

S. 5560. An act for the relief of Matthew J. Davis;

S. 1668. An act for the relief of the administrator of the estate of Gotlob Groezinger;

S. 4860. An act for the relief of Peter Fairley;

S. 3581. An act providing for the payment to the New York Marine Repair Company, of Brooklyn, N. Y., of the cost of the repairs to the steamship *Lindesfarne*, necessitated by injuries received from being fouled by the U. S. Army transport *Crook* in May, 1900;

S. 350. An act for the relief of the heirs of Joseph Sierra, deceased;

S. 503. An act to reimburse James M. McGee for expenses incurred in the burial of Mary J. De Lange;

S. 1231. An act to reimburse the Becker Brewing and Malting Company, of Ogden, Utah, for loss resulting from robbery of the United States mails;

S. 2368. An act for the relief of the Postal Telegraph Cable Company;

S. 2262. An act for the relief of Pay Director E. B. Rogers, United States Navy; and

S. 5446. An act for the relief of John Hudgins.

The following Senate bill, reported from the Committee of the Whole with amendment, was considered, the amendment agreed to, the bill as amended ordered to be read a third time, was read the third time, and passed:

S. 4819. An act for the relief of M. A. Johnson.

P. S. CORBETT.

The next bill reported from the Committee of the Whole was the bill (S. 1894) for the relief of P. S. Corbett.

The SPEAKER pro tempore. Without objection, the bill will be considered as—

Mr. MANN. I object, Mr. Speaker.

The SPEAKER pro tempore. The gentleman from Illinois objects. The question is on the third reading of the Senate bill.

The question was taken; and the Chair announced that the ayes seemed to have it.

On a division (demanded by Mr. MANN) there were—ayes 60, noes 3.

So the bill was ordered to a third reading, read the third time, and passed.

WITHDRAWAL OF PAPERS.

Mr. DOVENER by unanimous consent obtained leave to withdraw from the files of the House, without leaving copies, the papers in the case of Maramon A. Martin, Fifty-eighth Congress, no adverse report having been made thereon.

JOHN HUDGINS.

The next business reported from the Committee of the Whole was the bill (H. R. 13357) for the relief of John Hudgins.

Mr. RUCKER. Mr. Speaker, I move to substitute Senate bill 5446 for that bill, and move that the House bill do lie upon the table.

The SPEAKER pro tempore. Without objection, the House bill will be laid on the table, and the Senate bill will come up when it is reached.

There was no objection.

When the bill (S. 5446) for the relief of John Hudgins was reached, it was ordered to a third reading, was read a third time, and passed.

The SPEAKER pro tempore. The gentleman from Kansas is recognized.

Mr. MILLER. Mr. Speaker, we will now go back to the head of the Calendar. We have not passed all of the bills recommended by the committee.

The SPEAKER pro tempore. The Chair is informed that the House has passed all of the bills recommended.

Mr. MANN. We went back to the head of the Calendar a long time ago.

Mr. MILLER. Mr. Speaker, I move to reconsider the various votes by which the several bills were passed, and I move to lay that motion on the table.

The latter motion was agreed to.

REVENUES AND GOVERNMENT FOR PORTO RICO.

The SPEAKER pro tempore laid before the House the following message from the President of the United States, which was read, and, with the accompanying papers, was ordered to be printed and referred to the Committee on Insular Affairs:

To the Senate and House of Representatives:

Referring to section 32 of the act approved April 12, 1900, entitled "An act temporarily to provide revenues and a civil government for Porto Rico, and for other purposes," I transmit herewith an ordinance

enacted by the executive council of Porto Rico and approved by the President of the United States.

THE WHITE HOUSE, January 18, 1907.

THEODORE ROOSEVELT.

MESSAGE FROM THE PRESIDENT.

A message in writing from the President of the United States was communicated to the House of Representatives by Mr. LATTA, one of his secretaries, who also informed the House of Representatives that the President had approved and signed joint resolution and bills of the following titles:

January 16, 1907:

H. J. Res. 214. Joint resolution to provide for the printing of 16,000 copies of Senate Document No. 144, Fifty-ninth Congress, second session.

January 17:

H. R. 189. An act to establish a life-saving station at the Isles of Shoals, off Portsmouth, N. H.; and

H. R. 21202. An act fixing the time for homestead entrymen on lands embraced in the Wind River or Shoshone Indian Reservation to establish residence on same.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had agreed to the amendment of the House of Representatives to the joint resolution (S. R. 80) authorizing the Secretary of War to furnish two 3-inch wrought-iron muzzle-loading cannon, with their carriages, limbers, and accessories, to the State of South Dakota.

The message also announced that the Senate had passed without amendment bill of the following title:

H. R. 24478. An act for the relief of citizens of the island of Jamaica.

The message also announced that the Senate had passed the following resolution:

Resolved, That the Senate has heard with profound sorrow of the death of Hon. WILLIAM B. BATE, late a Senator from the State of Tennessee.

Resolved, That as a mark of respect to the memory of the deceased the business of the Senate be now suspended to enable his associates to pay proper tribute to his high character and distinguished public services.

Resolved, That the Secretary communicate these resolutions to the House of Representatives.

Resolved, That as a further mark of respect to the memory of the deceased the Senate do now adjourn.

ENROLLED BILLS SIGNED.

Mr. WACHTER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

H. R. 24478. An act for the relief of citizens of the island of Jamaica;

H. R. 19035. An act granting an increase of pension to Elizabeth Moore Morgan;

H. R. 3357. An act granting an honorable discharge to James B. Mulford;

H. R. 8631. An act for the relief of James M. Darling;

H. R. 16169. An act granting a pension to Neal O'Donnell Parks;

H. R. 19528. An act granting an increase of pension to Elizabeth Maddox; and

H. R. 19462. An act granting an increase of pension to Emily Fox.

The SPEAKER announced his signature to enrolled joint resolution of the following title:

S. R. 80. Joint resolution authorizing the Secretary of War to furnish two 3-inch wrought-iron muzzle-loading cannon, with their carriages, limbers, and accessories, to the State of South Dakota.

ENROLLED BILLS PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. WACHTER, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States, for his approval, the following bills:

H. R. 1249. An act granting a pension to William R. Fulk;

H. R. 1372. An act granting a pension to Josephine I. Richmond;

H. R. 1500. An act granting a pension to Emily J. Sherman;

H. R. 1800. An act granting a pension to Eliza J. Ingle;

H. R. 4705. An act granting a pension to Harriet E. Palmer;

H. R. 10789. An act granting a pension to David Wilborn;

H. R. 18677. An act granting a pension to Martin Alphons Luther;

H. R. 522. An act granting an increase of pension to Frederick Roschdiansky;

H. R. 562. An act granting an increase of pension to John F. Mohn;

H. R. 600. An act granting an increase of pension to Oliver N. McLain

H. R. 747. An act granting an increase of pension to Robert Smith;

H. R. 1026. An act granting an increase of pension to Thomas M. Wilcox;

H. R. 1060. An act granting an increase of pension to Margaret E. Lounsbury;

H. R. 1067. An act granting an increase of pension to Jacob Bender;

H. R. 1068. An act granting an increase of pension to William S. Quigley;

H. R. 1169. An act granting an increase of pension to Oliver P. Pierce;

H. R. 1673. An act granting an increase of pension to Jennie E. Edson;

H. R. 1687. An act granting an increase of pension to James C. Daly;

H. R. 1706. An act granting an increase of pension to George H. Washburn;

H. R. 1709. An act granting an increase of pension to Brice P. Munns;

H. R. 1891. An act granting an increase of pension to Simeon York;

H. R. 1904. An act granting an increase of pension to Nelson R. Satterlee;

H. R. 1938. An act granting an increase of pension to Thomas B. Foutty;

H. R. 2290. An act granting an increase of pension to Peter Reedy;

H. R. 2422. An act granting an increase of pension to Earl K. Childs;

H. R. 2761. An act granting an increase of pension to Michael Mahoney;

H. R. 2822. An act granting an increase of pension to Levi Gates;

H. R. 2909. An act granting an increase of pension to Jacob T. Wise;

H. R. 3194. An act granting an increase of pension to Samuel Harvey;

H. R. 3195. An act granting an increase of pension to Milton S. Collins;

H. R. 3228. An act granting an increase of pension to Michael Doyle;

H. R. 3234. An act granting an increase of pension to Rush Deskines;

H. R. 3297. An act granting an increase of pension to Thomas Lonergan;

H. R. 3355. An act granting an increase of pension to James L. Allen;

H. R. 3494. An act granting an increase of pension to Albert A. Talham;

H. R. 3496. An act granting an increase of pension to Edward Walton;

H. R. 3733. An act granting an increase of pension to Simeon D. Chelf;

H. R. 4386. An act granting an increase of pension to Zelinda E. Odenbaugh;

H. R. 4648. An act granting an increase of pension to Sarah A. Dedrick;

H. R. 4656. An act granting an increase of pension to Thomas Snell;

H. R. 4663. An act granting an increase of pension to Horace B. Tanner;

H. R. 4834. An act granting an increase of pension to Silas V. White;

H. R. 6911. An act granting an increase of pension to William J. Turner;

H. R. 7476. An act granting an increase of pension to George C. Dean;

H. R. 7488. An act granting an increase of pension to Jacob L. Hatton;

H. R. 8563. An act granting an increase of pension to William H. Hays;

H. R. 8789. An act granting an increase of pension to Levi Chapman;

H. R. 10364. An act granting an increase of pension to John P. Patterson;

H. R. 10531. An act granting an increase of pension to William G. Binkley;

H. R. 10751. An act granting an increase of pension to George W. Harris;

H. R. 10755. An act granting an increase of pension to Anna Flynn;

H. R. 10804. An act granting an increase of pension to John H. Worley;

H. R. 10958. An act granting an increase of pension to Levi Dodson;
 H. R. 12911. An act granting an increase of pension to Ambrose S. Delaware;
 H. R. 13241. An act granting an increase of pension to Francis Haner;
 H. R. 13455. An act granting an increase of pension to Josiah P. Higgins;
 H. R. 13887. An act granting an increase of pension to Joseph T. Eagler;
 H. R. 14298. An act granting an increase of pension to John Remick;
 H. R. 14543. An act granting an increase of pension to Charles Barnell, alias Richard North;
 H. R. 15004. An act granting an increase of pension to William J. McAtee;
 H. R. 15471. An act granting an increase of pension to Eli Stover;
 H. R. 15763. An act granting an increase of pension to Gainford N. Upton;
 H. R. 18454. An act granting an increase of pension to Barlow Davis;
 H. R. 18742. An act granting an increase of pension to Martin V. Barney;
 H. R. 19296. An act granting an increase of pension to Assov Hareison;
 H. R. 19390. An act granting an increase of pension to William R. Sears;
 H. R. 19482. An act granting an increase of pension to Sarah E. Cannell;
 H. R. 19725. An act granting an increase of pension to Howard Bennett;
 H. R. 19970. An act granting an increase of pension to Eugene Demers;
 H. R. 20559. An act granting an increase of pension to John Bradley;
 H. R. 20617. An act granting an increase of pension to Isaac N. S. Will;
 H. R. 20623. An act granting an increase of pension to James B. O. Horbach;
 H. R. 20714. An act granting an increase of pension to Robert Turley;
 H. R. 20891. An act granting an increase of pension to Hugh Blair;
 H. R. 20968. An act granting an increase of pension to Waitman T. Mathers;
 H. R. 21578. An act granting an increase of pension to Andrew J. Gaskey;
 H. R. 13675. An act to ratify and confirm the acts of the legislative assembly of the Territory of Oklahoma, passed in the year 1905, relating to an insane asylum for the Territory of Oklahoma, and providing for the establishment and maintenance of an insane asylum for the Territory of Oklahoma at Fort Supply, in Woodward County, Okla., and making appropriations therefor;
 H. R. 19754. An act to provide for the distribution of public documents to the library of the Philippine government at Manila, P. I.;
 H. R. 20069. An act for the opening of Macomb street NW., District of Columbia;
 H. R. 19523. An act to authorize Thomas J. Ewing and George B. Patton, of Catlettsburg, Ky.; Otto Burger, of Cincinnati, Ohio; Herbert Haynard, of Kenova, W. Va., and Charles Miller, of Huntington, W. Va., to construct a bridge across the Tug Fork of the Big Sandy River; and
 H. R. 24478. An act for the relief of citizens of the island of Jamaica.

ADJOURNMENT.

Mr. MILLER. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to.

Accordingly (at 6 o'clock and 7 minutes p. m.) the House adjourned.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination of Bridgeport Harbor, Connecticut—to the Committee on Rivers and Harbors, and ordered to be printed, with illustrations.

A letter from the financial clerk of the Spanish Claims Com-

mission, submitting a statement of the amount of mail from the Commission deposited in the Washington post-office under the penalty provision from July 1 to December 31, 1906—to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of Fannie M. Wells, Ida F. Wells, and John Maddox, tutor of the minor children of Laura P. Maddox, deceased, against The United States—to the Committee on War Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of William A. Clark against The United States—to the Committee on War Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of James P. Files, son, and Alice White, granddaughter, sole heirs of James P. Files, deceased, against The United States—to the Committee on War Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of heirs of estate of Alexander Bradshaw against The United States—to the Committee on War Claims, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. HULL, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 17347) to reorganize and to increase the efficiency of the artillery of the United States Army, reported the same without amendment, accompanied by a report (No. 6429); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. WANGER, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 23939) to authorize the board of commissioners of Lake County, Ind., to construct a bridge across the Calumet River in the State of Indiana, reported the same without amendment, accompanied by a report (No. 6430); which said bill and report were referred to the House Calendar.

Mr. PERKINS, from the Committee on Foreign Affairs, to which was referred the bill of the House (H. R. 24122) in reference to the expatriation of citizens and their protection abroad, reported the same with amendment, accompanied by a report (No. 6431); which said bill and report were referred to the House Calendar.

Mr. ADAMSON, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 24275) permitting the building of a dam across the Flint River at Porter Shoals, reported the same without amendment, accompanied by a report (No. 6432); which said bill and report were referred to the House Calendar.

Mr. HENRY of Texas, from the Committee on the Judiciary, to which was referred the bill of the House (H. R. 22334) to amend an act to regulate the sitting of the United States courts within the district of South Carolina, reported the same with amendment, accompanied by a report (No. 6433); which said bill and report were referred to the House Calendar.

Mr. YOUNG, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 24048) authorizing and empowering the Secretary of War to locate a right of way for and granting the same and a right to operate and maintain a line of railroad through the Fort Wright Military Reservation, in the State of Washington, to the Spokane and Inland Empire Railroad Company, its successors and assigns, reported the same without amendment, accompanied by a report (No. 6434); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. CUSHMAN, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 24111) to authorize the Norfolk and Western Railway Company to construct a bridge across the Potomac River, at or near Shepherdstown, W. Va., reported the same with amendment, accompanied by a report (No. 6436); which said bill and report were referred to the House Calendar.

Mr. McCALL, from the Committee on the Library, to which was referred the resolution of the House (H. J. Res. 221)

to fill a vacancy in the Board of Regents of the Smithsonian Institution, reported the same without amendment, accompanied by a report (No. 6437); which said bill and report were referred to the House Calendar.

Mr. PARKER, from the Committee on the Judiciary, to which was referred the bill of the House (H. R. 24104) transferring Phelps County to the eastern division of the eastern judicial district of Missouri, reported the same with amendment, accompanied by a report (No. 6439); which said bill and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bill of the following title was reported from committee, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. HOGG, from the Committee on Indian Affairs, to which was referred the bill of the House (H. R. 19930) referring the claim of S. W. Peel for legal services rendered the Choctaw Nation of Indians to the Court of Claims for adjudication, reported the same without amendment, accompanied by a report (No. 6438); which said bill and report were referred to the Private Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS INTRODUCED.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. HULL, from the Committee on Military Affairs: A bill (H. R. 24537) making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1908, and for other purposes—to the Union Calendar.

By Mr. COUSINS, from the Committee on Foreign Affairs: A bill (H. R. 24538) making appropriations for the diplomatic and consular service for the fiscal year ending June 30, 1908—to the Union Calendar.

By Mr. BYRD: A bill (H. R. 24539) to prohibit in the District of Columbia the intermarriage of whites with negroes or Mongolians—to the Committee on the District of Columbia.

By Mr. DAVIS of West Virginia: A bill (H. R. 24540) authorizing the extension of G street NE.—to the Committee on the District of Columbia.

By Mr. ROBINSON of Arkansas: A bill (H. R. 24542) to authorize the expenditure of \$35,000 in addition to the sum heretofore appropriated for the construction of a Federal building at Pine Bluff, Ark.—to the Committee on Public Buildings and Grounds.

By Mr. RICHARDSON of Alabama: A bill (H. R. 24543) for the purpose of improving the navigation of the Tennessee River over the Elk River Shoals and the Big and Little Muscle Shoals, and for other purposes—to the Committee on Rivers and Harbors.

By Mr. DAWES: A bill (H. R. 24544) to create in the War Department a roll to be known as the volunteer retired list, to authorize placing thereon with retired pay certain surviving officers of the United States Volunteer Army of the civil war, and for other purposes—to the Committee on Military Affairs.

By Mr. BENNET of New York: A bill (H. R. 24545) to amend section 2731 of the Revised Statutes, relative to salary of assistant appraisers at the port of New York—to the Committee on Ways and Means.

By Mr. REEDER: A resolution (H. Res. 772) providing for an assistant to the printing and bill clerk—to the Committee on Accounts.

By Mr. HENRY of Connecticut: A resolution (H. Res. 773) increasing salary of messengers of the House—to the Committee on Accounts.

PRIVATE BILLS AND RESOLUTIONS INTRODUCED.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. ACHESON: A bill (H. R. 24546) granting an increase of pension to Washington Snodgrass—to the Committee on Invalid Pensions.

By Mr. AMES: A bill (H. R. 24547) granting a pension to Inez M. Brigham—to the Committee on Invalid Pensions.

By Mr. BENNETT of Kentucky: A bill (H. R. 24548) granting an increase of pension to Lewis P. McBrayer—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24549) granting an increase of pension to John H. Bayse—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24550) granting an increase of pension to Lucion Guy—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24551) granting a pension to John T. Gardner—to the Committee on Invalid Pensions.

By Mr. BRADLEY: A bill (H. R. 24552) granting an increase of pension to Annie G. Loeffler—to the Committee on Pensions.

By Mr. BROWNLOW: A bill (H. R. 24553) granting an increase of pension to Sarah J. Reed—to the Committee on Invalid Pensions.

By Mr. BRUNDIDGE: A bill (H. R. 24554) granting an increase of pension to John M. Shelley—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24555) granting an increase of pension to Peter J. Files—to the Committee on Invalid Pensions.

By Mr. BUCKMAN: A bill (H. R. 24556) granting an increase of pension to Kirtland Tuttle—to the Committee on Invalid Pensions.

By Mr. BURTON of Delaware: A bill (H. R. 24557) for the relief of James H. Reed—to the Committee on Claims.

By Mr. CHANEY: A bill (H. R. 24558) granting an increase of pension to Vinson V. Williams—to the Committee on Invalid Pensions.

By Mr. CHAPMAN: A bill (H. R. 24559) granting an increase of pension to James B. Hardesty—to the Committee on Pensions.

Also, a bill (H. R. 24560) granting an increase of pension to Margaret Lesley—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24561) granting an increase of pension to Larkin L. Hensley—to the Committee on Invalid Pensions.

By Mr. DE ARMOND: A bill (H. R. 24562) granting an increase of pension to David Work—to the Committee on Invalid Pensions.

By Mr. DENBY: A bill (H. R. 24563) to pay James Caniff \$5,000 for personal injuries received in the service of the United States—to the Committee on Claims.

By Mr. DICKSON of Illinois: A bill (H. R. 24564) to remove the charge of desertion from the record of John D. Woods—to the Committee on Military Affairs.

By Mr. DIXON of Indiana: A bill (H. R. 24565) granting an increase of pension to John C. Moncrief—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24566) granting an increase of pension to Frederick J. Meyer—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24567) granting an increase of pension to Isaac Higgins—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24568) granting an increase of pension to Hiram E. Crouch—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24569) granting an increase of pension to Edward Smith—to the Committee on Pensions.

Also, a bill (H. R. 24570) granting an increase of pension to William Menke—to the Committee on Invalid Pensions.

By Mr. ESCH: A bill (H. R. 24571) granting an increase of pension to Albert M. Harriman—to the Committee on Invalid Pensions.

By Mr. FULKERSON: A bill (H. R. 24572) granting an increase of pension to Thomas C. Lyon—to the Committee on Invalid Pensions.

By Mr. HALE: A bill (H. R. 24573) granting an increase of pension to Ferguson Fox—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24574) granting an increase of pension to David U. Weagley—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24575) granting an increase of pension to James M. Freeman—to the Committee on Invalid Pensions.

By Mr. HARDWICK: A bill (H. R. 24576) granting a pension to B. C. Gilmore—to the Committee on Pensions.

By Mr. HOPKINS: A bill (H. R. 24577) granting an increase of pension to John L. Flannery—to the Committee on Invalid Pensions.

By Mr. HOWELL of New Jersey: A bill (H. R. 24578) granting a pension to Julia Vroom—to the Committee on Invalid Pensions.

By Mr. HUMPHREYS of Mississippi: A bill (H. R. 24579) granting an increase of pension to Elizabeth Hochula—to the Committee on Invalid Pensions.

By Mr. KNOWLAND: A bill (H. R. 24580) granting an increase of pension to Albert Falcon—to the Committee on Invalid Pensions.

By Mr. LE FEVRE: A bill (H. R. 24581) removing the charge of desertion from the military record of David Van Devoort—to the Committee on Military Affairs.

Also, a bill (H. R. 24582) granting a pension to John Roper—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24583) granting a pension to John Knapp—to the Committee on Invalid Pensions.

By Mr. MCCREARY of Pennsylvania: A bill (H. R. 24584) granting an increase of pension to Frank Schroeder—to the Committee on Invalid Pensions.

By Mr. McKINLEY of Illinois: A bill (H. R. 24585) granting an increase of pension to Henry H. A. Walker—to the Committee on Invalid Pensions.

By Mr. McMORRAN: A bill (H. R. 24586) granting an increase of pension to Jotham A. Vincent—to the Committee on Invalid Pensions.

By Mr. MOUSER: A bill (H. R. 24587) granting an increase of pension to Hiram Burkholder—to the Committee on Invalid Pensions.

By Mr. REEDER: A bill (H. R. 24588) granting an increase of pension to Egbert C. Baker—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24589) granting an increase of pension to Henry P. Mann—to the Committee on Pensions.

By Mr. SAMUEL: A bill (H. R. 24590) granting an increase of pension to Thomas H. Sanders—to the Committee on Invalid Pensions.

By Mr. SCROGGY: A bill (H. R. 24591) granting an increase of pension to William H. Bufinger—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24592) granting an increase of pension to Sarah F. Kendrick—to the Committee on Invalid Pensions.

By Mr. SHERLEY: A bill (H. R. 24593) for the relief of Mrs. C. Hasselback—to the Committee on War Claims.

By Mr. SLAYDEN: A bill (H. R. 24594) granting an increase of pension to Fred C. Loring—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24595) granting a pension to Mary Nebergall—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24596) to pay Mina Walker \$700, in settlement of damages sustained by Indian raid—to the Committee on Claims.

By Mr. WEBB: A bill (H. R. 24597) granting an increase of pension to Wilson Carter—to the Committee on Invalid Pensions.

By Mr. FORDNEY: A bill (H. R. 24598) amending the act of June 30, 1906, entitled "An act granting an honorable discharge to Seth Davis"—to the Committee on Military Affairs.

By Mr. RICHARDSON of Kentucky: A bill (H. R. 24599) granting an increase of pension to Thomas L. Richardson—to the Committee on Invalid Pensions.

By Mr. TAWNEY: A bill (H. R. 24600) granting a pension to Thomas O'Reilly—to the Committee on Invalid Pensions.

By Mr. BROWNLOW: A bill (H. R. 24601) for the relief of Thomas F. Sutton—to the Committee on Military Affairs.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of bills of the following titles; which were thereupon referred as follows:

A bill (H. R. 23778) granting an increase of pension to Henry Clapper—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 16834) granting an increase of pension to Allan S. Rose—Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER: Petition of Charles R. R. Milchers, New York City, against intervention of United States in Kongo affairs—to the Committee on Foreign Affairs.

By Mr. ACHESON: Paper to accompany bill for relief of James W. Smith—to the Committee on War Claims.

Also, petition of Lieutenant Adams Post, No. 330, Grand Army of the Republic, McDonald, Pa., for a service pension—to the Committee on Invalid Pensions.

By Mr. ADAMSON: Paper to accompany bill for relief of Paul W. Harrison—to the Committee on War Claims.

By Mr. BARCHFELD: Petitions of citizens of New Vienna, Ohio; Alexander City, Ala.; Sibley, Minn.; Anadarko, Okla.; Chester, Ill.; Gothenburg, Nebr., and Hampden, Mass., against S. 5221, regulating practice of osteopathy in the District of Columbia—to the Committee on the District of Columbia.

By Mr. BELL of Georgia: Paper to accompany bill for relief of S. H. J. Alley—to the Committee on Pensions.

By Mr. BENNETT of Kentucky: Paper to accompany bill for relief of Josiah Paris—to the Committee on Invalid Pensions.

Also, paper to accompany bill for relief of John T. Gardiner and Harriet Ann Crank—to the Committee on Invalid Pensions.

By Mr. BROWN: Petition of Shuetzen Verein, of Wausau, Wis.; the Eintracht, Wausau, Wis.; Liederkrantz, of Wausau, Wis.; the Deutscher Krieger Verein; the Franz Siegel Verein, and the Deutscher Kranken Unterstuetzungs Verein, against restriction of desirable immigrants proposed in Lodge-Gardner bill—to the Committee on Immigration and Naturalization.

By Mr. BUTLER of Tennessee: Paper to accompany bill for relief of Andrew J. Mullins—to the Committee on Invalid Pensions.

By Mr. DAVIS of West Virginia: Paper to accompany bill for relief of heirs of John Zambro and heirs of Jefferson Farnsworth—to the Committee on War Claims.

By Mr. DE ARMOND: Paper to accompany bill for relief of George W. Wade—to the Committee on Invalid Pensions.

By Mr. FORDNEY: Petition of Willard Women's Christian Temperance Union, Saginaw, Mich., for the Littlefield bill, limiting effect of regulation of commerce between the several States and Territories—to the Committee on the Judiciary.

By Mr. FOSS: Petition of New Immigrants' Protective League, against the Lodge-Gardner bill—to the Committee on Immigration and Naturalization.

By Mr. FULLER: Petition of William T. Bedford, Lasalle, Ill., for amendment to railway rate law permitting exchange of advertising for transportation—to the Committee on Interstate and Foreign Commerce.

Also, petition of Joint Executive Commission on Improvement of Harbor of Philadelphia, for improvement of Delaware River—to the Committee on Rivers and Harbors.

By Mr. GOEBEL: Paper to accompany bill for relief of John H. Babcock—to the Committee on Invalid Pensions.

By Mr. GRAHAM: Petition of A. Parlett Lloyd, against amendment to Senate bill 976—to the Committee on Invalid Pensions.

Also, petition of fruit growers of Bedford County, for legislation to secure minimum tariff on American fruits to German markets—to the Committee on Ways and Means.

Also, petition of New York Branch of National League of Commission Merchants, for legislation to secure minimum duties on fruit going into Germany—to the Committee on Ways and Means.

Also, petition of David T. Davies et al., favoring bill granting pensions to ex-prisoners of war—to the Committee on Invalid Pensions.

Also, petition of George C. Watt, for bill H. R. 23017—to the Committee on Banking and Currency.

By Mr. GRANGER: Petition of Lady Lincoln Council, No. 5, Daughters of Liberty, Providence, R. I., favoring restriction of immigration (S. 4403)—to the Committee on Immigration and Naturalization.

By Mr. GUDGER: Petition of Henrietta Council, No. 61, and French Broad Council, No. 97, Junior Order United American Mechanics, favoring restriction on immigration—to the Committee on Immigration and Naturalization.

By Mr. HALE: Paper to accompany bill for relief of James M. Freeman—to the Committee on Invalid Pensions.

By Mr. HAYES: Petition of B. W. Nash et al., citizens of San Jose, against employment of Asiatic coolies on the Panama Canal; also that Chinese-exclusion act apply to Japan—to the Committee on Foreign Affairs.

By Mr. HINSHAW: Petition of Brotherhood of Locomotive Firemen, favoring Senate bill 5133; also the Gilbert anti-injunction bill (H. R. 9328)—to the Committee on Interstate and Foreign Commerce.

By Mr. KAHN: Petition of C. M. Stembleck, Templeton Board of Trade, and Paso Robles Improvement Club, for purchase of the Henry ranch for Army maneuvers—to the Committee on Military Affairs.

By Mr. KELIHER: Petition of citizens of Boston, for law to remove disability from colored soldiers of Companies B, C, and D of the Twenty-fifth Infantry—to the Committee on Military Affairs.

Also, petition of Boston Chamber of Commerce, favoring international arbitration—to the Committee on Foreign Affairs.

Also, petition of Boston Chamber of Commerce, for White Mountain forest reservation—to the Committee on Agriculture.

By Mr. KNOWLAND: Papers to accompany bill for relief of Patrick Bogan—to the Committee on Invalid Pensions.

By Mr. LE FEVRE: Petition of Col. Walter Scott Camp, No.

42, United Spanish War Veterans, Department of New York, for restoration of canteen—to the Committee on Military Affairs.

By Mr. LEE: Paper to accompany bill for relief of William G. Fuller, William L. Aycock, and J. P. Kittle—to the Committee on War Claims.

Also, paper to accompany bill for relief of William Winston, jr.—to the Committee on War Claims.

By Mr. LLOYD: Petition of Garnett Grange, Lewis County, Mo., against franking privilege—to the Committee on the Post-Office and Post-Roads.

Also, petition of Garnett Grange, Lewis County, Mo., against ship-subsidy bill—to the Committee on the Merchant Marine and Fisheries.

Also, petition of Garnett Grange, Lewis County, Mo., against seed distribution—to the Committee on Agriculture.

By Mr. McMORRAN: Paper to accompany bill for relief of Jotham A. Vincent—to the Committee on Invalid Pensions.

By Mr. MAHON: Paper to accompany bill for relief of Sarah E. Hood—to the Committee on Invalid Pensions.

By Mr. MANN: Petition of N. S. Williams, and M. J. Steffins, for amendment in new copyright bill—to the Committee on Patents.

Also, petition of Board of Trade of Chicago, Ill., for discrimination by Government so that one-third of transportation of Isthmian Canal Commission be out of Gulf ports, with New Orleans as largest shipment point—to the Committee on Interstate and Foreign Commerce.

Also, petition of National Business Men's League, of Chicago, for conservation of public lands—to the Committee on the Public Lands.

Also, petition of Camp Luzon, No. 1, for medals for service in Philippines—to the Committee on Military Affairs.

Also, petition of National Business Men's League, of Chicago, Ill., for permanent consular improvement—to the Committee on Foreign Affairs.

By Mr. NEEDHAM: Petition of Templeton Board of Trade, and Paso Robles Improvement Club, for the purchase of Henry ranch for Army maneuvers—to the Committee on Military Affairs.

By Mr. REYNOLDS: Petition of Fruit Growers' Association, of Bedford County, Pa., for the Payne bill, amended, and the execution of a treaty with the German Government whereby exports from this country shall be subject to the minimum rate of duty—to the Committee on Ways and Means.

Also, paper to accompany bill for relief of David R. Donnelly—to the Committee on Invalid Pensions.

By Mr. SNAPP: Petition of the Courier, against tariff on linotype machines—to the Committee on Ways and Means.

By Mr. SLAYDEN: Paper to accompany bill for relief of Mrs. Minnie Walker—to the Committee on Claims.

Also, paper to accompany bill for relief of Fred C. Loring—to the Committee on Invalid Pensions.

By Mr. SPERRY: Petition of Horeb Lodge, No. 23, I. O. B. B., against Lodge-Gardner bill—to the Committee on Immigration and Naturalization.

By Mr. RAINEY: Petition of citizens of Calhoun County, Ill., for appropriation to dredge opposite Hurricane Island, in the Illinois River—to the Committee on Rivers and Harbors.

By Mr. SHEPPARD: Petition of citizens of Nash, Sawyer, and Klomache, Ind. T., for appropriation to improve upper Red River—to the Committee on Rivers and Harbors.

By Mr. SMITH of Maryland: Paper to accompany bill for relief of W. A. Bell—to the Committee on Invalid Pensions.

By Mr. SULLIVAN: Petition of Boston Chamber of Commerce, for White Mountain forest reservation—to the Committee on Agriculture.

Also, petition of Boston Chamber of Commerce, for arbitration to settle international disputes—to the Committee on Foreign Affairs.

By Mr. TAWNEY: Paper to accompany bill for relief of Turner J. Preble—to the Committee on Invalid Pensions.

By Mr. WEEMS: Paper to accompany bill for relief of George W. Ashton—to the Committee on Invalid Pensions.

By Mr. WOOD: Petition of Monday Postmeridian Club, of Passaic, N. J., for White Mountain forest reservation—to the Committee on Agriculture.

Also, petition of Right Rev. John M. Scarborough, Bishop of Trenton Diocese, of New Jersey, for payment of an adequate price for the lands for the Rosebud Indians—to the Committee on Indian Affairs.

Also, petition of New Jersey State Horticultural Society, for continuance of minimum duty on green and dried apples—to the Committee on Ways and Means.

Also, paper to accompany bill for relief of William L. Stewart—to the Committee on Invalid Pensions.

HOUSE OF REPRESENTATIVES.

SATURDAY, January 19, 1907.

The House met at 12 o'clock m.

Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of yesterday's proceedings was read and approved.

GEORGE GRAY.

Mr. DALZELL. Mr. Speaker, I ask unanimous consent for the present consideration of the House joint resolution 221.

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent for the present consideration of the House joint resolution which the Clerk will report.

The Clerk read as follows:

Resolved, etc., That the vacancy in the Board of Regents of the Smithsonian Institution, of the class other than Members of Congress, shall be filled by the reappointment of George Gray, a citizen of Delaware, whose term expired January 14, 1907.

The SPEAKER. Is there objection?

Mr. CLARK of Missouri. Mr. Speaker, I do not oppose that, but I would like to ask the gentleman if that is the usual modus operandi?

Mr. DALZELL. This is the customary proceeding; yes.

Mr. CLARK of Missouri. For the House to suggest the name of the person?

Mr. DALZELL. By joint resolution; yes. Judge Gray's term expired on the 14th of this month, and the Regents are to meet on next Wednesday for the selection of a successor to Professor Langley, and of course it is desirable that there shall be a full board.

Mr. CLARK of Missouri. That is all right, if that is the way it is usually done.

The SPEAKER. The question is on the adoption of the joint resolution.

The resolution was ordered to be engrossed and read a third time, was read a third time, and passed.

FORT WRIGHT MILITARY RESERVATION.

Mr. JONES of Washington. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 24048) authorizing and empowering the Secretary of War to locate a right of way for and granting the same and a right to operate and maintain a line of railroad through the Fort Wright Military Reservation, in the State of Washington, to the Spokane and Inland Empire Railroad Company, its successors and assigns.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of War is hereby authorized and empowered to locate a right of way, not exceeding 100 feet in width, through the lands of the Fort Wright Military Reservation, if in his judgment it can be done in such a manner as not to interfere with the uses of said reservation for military purposes by the United States; and when said right of way shall be so located it is hereby granted during the pleasure of Congress to the Spokane and Inland Empire Railroad Company, a corporation organized under the laws of the State of Washington, its successors and assigns, for the purpose of constructing a railroad and telegraph line thereon: *Provided*, That the said right of way and the width and location thereof through said lands, the compensation therefor, and the regulations for operating said railroad within the limits of the said military reservation, so as to prevent all damage to public property or for public uses, shall be prescribed by the Secretary of War prior to any entry upon said lands or the commencement of the construction of said works: *Provided also*, That whenever said right of way shall cease to be used for the purposes aforesaid the same shall revert to the United States.

SEC. 2. That Congress reserves the right to alter, amend, or repeal this act.

The SPEAKER. Is there objection?

Mr. CLARK of Missouri. Reserving the right to object—

Mr. PAYNE. Reserving the right to object—

The SPEAKER. Whom does the gentleman recognize?

Mr. JONES of Washington. The gentleman from Missouri [Mr. CLARK].

Mr. CLARK of Missouri. Does this take any property of the United States?

Mr. JONES of Washington. It allows the Secretary of War, if in his judgment public interests will not be interfered with, to allow the railroad a right of way through the Fort Wright Military Reservation, simply to be used for railroad purposes. I will read just two or three sentences of the report.

Mr. CLARK of Missouri. How much land does this take?

Mr. JONES of Washington. It is only a small strip; only 100 feet wide—not to exceed that.

Mr. CLARK of Missouri. How large?

Mr. JONES of Washington. It runs around a ravine, I suppose probably 30 or 40 rods—not more than that, and possibly not that far.

Mr. PAYNE. In the act passed heretofore generally the right